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House Journal

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TERRITORY OF DAKOTA.

JOURNAL OF THE HOUSE

OF THE

SEVENTEENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY,

JANUARY, 1887.

BISMARCK, DAK.:
TRIBUNE, PRINTERS AND BINDERS.
1886.

Journal of the House.

SEVENTEENTH SESSION.

FIRST DAY.

TERRITORY OF DAKOTA,
HOUSE OF REPRESENTATIVES,
BISMARCK, Jan. 11, 1887.

At the hour of twelve o'clock, meridian, on this second Tuesday of January, 1887, the day and hour appointed by law, the members elect of the House of Representatives of the seventeenth session assembled in the Capitol building at Bismarck, and were called to order by J. G. Hamilton, assistant chief clerk of the sixteenth session.

The roll being called the following responded to their names, to-wit:

From the

First District	J. V. White, of Clay.
	F. R. Aikens, of Lincoln.
Second District	Frank Morris, of Hutchinson.
	J. P. Ward, of Turner.
Third District	J. C. Jones. of Charles Mix.
Fourth District	J. T. Gilbert, of Minnehaha.
	E. W. Terrill, of McCook.
	C. I. Miltimore, of Hanson.
Fifth District	T. F. Mentzer, of Davison.
	B. H. Sullivan, of Aurora.
Sixth District	J. H. Patten, of Minor.
	John Hobart, of Moody.

Seventh District	Wm. Glendenning, of Kingsbury A. A. Harkins, of Deuel.
Eighth District	Wilson Wise, of Sanborn. D. F. Royer, of Jerauld.
Ninth District	C. B. Hubbard, of Clark. Wm. Berry, of Clark.
Tenth District	J. R. Dutch, of Faulk. A. J. Pruitt, of Potter.
Eleventh District	Geo. C. Crose. of Hyde. J. M. Moore, of Sully.
Twelfth District	M. H. Cooper, of Codington. C. B. Williams, of Grant.
Thirteenth District	J. H. Fletcher, of Brown. W. R. Ruggles, of Edmunds.
Fourteenth District	A. S. Stewart, of Fall River. J. Wolzmuth, of Lawrence. John D. Patton, of Lawrence.
Fifteenth District	A. M. Cook, of Sargent. H. J. Mallory, of Dickey.
Sixteenth District	W. J. Hawk, of Cass. J. W. Burnham, of Cass.
Seventeenth District	T. M. Elliott, of Ransom. R. McDonell, of Barnes.
Eighteenth District	D. W. Sprague, of Steele. F. H. Adams, of Griggs.
Nineteenth District	W. H. Fellows, of Grand Forks. L. O. Wyman, of Grand Forks.
Twentieth District	Donald Stewart, of Walsh. D. W. Ensign, of Ramsey.
Twenty-First District	John Bidlake, of Cavalier. John Ely, of Rollette.
Twenty-Second District	F. M. Shook, of Benson. D. S. Dodds, of Nelson.
Twenty-Third District	E. A. Williams, of Burleigh. F. Greene, of Morton.

The oath of office was then taken and subscribed by the member-elect, administered by the Honorable William H. Francis, Associate Justice of the Supreme Court of Dakota Territory.

Mr. Stewart, of Fall River, nominated for speaker George C. Crose, of Hyde.

Mr. Adams, of Griggs, nominated Mr. E. A. Williams, of Burleigh.

Mr. Greene, of Morton, nominated John Ely, of Bottineau.

Mr. Ruggles, of Edmunds, nominated Mr. Hobart, of Moody.

Each of said nominations being seconded
On motion
The House proceeded to an informal ballot for Speaker.

Messrs. Dodds and Eakins being designated as tellers by the clerk
The roll being called,

Forty-five votes were cast, of which Mr. Crose received 21, Mr. Williams 12, Mr. Hobart 5 and Mr. Ely 7.

Moved by Mr. Stewart, of Fall River,
That the House proceed to a formal ballot for Speaker.

Moved by Mr. Sullivan, of Aurora,
That the House adjourn until 12 o'clock noon, tomorrow.

Yeas and nays demanded.

The roll being called, there were ayes, 20; nays, 27.

Those who voted in the affimative were—
Messrs. Adams, Bidlake, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Gilbert, Greene, Hawk, McDonald, Mentzer, Miltimore, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cook, Cooper, Crose, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

And so the motion was lost.

The House then proceeded to ballot formally for speaker.

The roll being called,
There were 47 votes cast,
Of which Mr. Crose received 25, Mr. Williams 13, Mr. Hobart 5, Mr. Ely 4.

Those voting for Mr. Crose were:

Messrs. Aiken, Berry, Cooper, Crose, Dutch, Fletcher, Glendenning, Harkins, Hobart, Hubbard, Jones, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

Those voting for Mr. Williams were:

Messrs. Adams, Burnham, Cook, Dodds, Elliott, Ely, Fellows, Greene, Hawk, Mallory, Shook, Sprague, Wyman.

Those voting for Mr. Ely were:

Messrs. Bidlake, McDonell, Ensign, Stewart of Walsh.

Those voting for Mr. Hobart were:

Messrs. Mentzer, Miltimore, Ruggles, Sullivan, Williams of Burleigh.

Mr. Crose having received a majority of the votes of the members elect,

Was declared the duly elected speaker of the seventeenth legislative session.

Mr. Dodds moved

That the nomination of Mr. Crose be made unanimous.

Which motion prevailed, and

Messrs. Aikens and Dodds were appointed to escort the speaker elect to the chair.

The oath of office was administered to the speaker by the Hon. William H. Francis, associate justice of the Jupreme Court of Dakota.

On motion,

The House adjourned until Wednesday at 12 o'clock noon.

J. G. HAMILTON,
Clerk.

SECOND DAY.

BISMARCK, January 12, 1887.

The House assembled at 12 o'clock m. pursuant to adjournment.

The speaker presiding.

Prayer was offered by the Rev. Wm. F. Cook.

Roll called,

All members responding except Mr. Schnaidt who subsequently reported and was sworn in by the Speaker.

The journal of the previous day was read and approved

Mr. Hobart moved

That the House proceed to the election of officers,

Which motion prevailed.

W. G. Eakins was nominated for chief clerk.

The roll being called there were 44 votes cast.

Those who voted for W. G. Eakins were:

Messrs. Adams, Aikens, Berry, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted for J. G. Hamilton were—

Mr. Cook.

Absent and not voting—

Messrs. Bidlake, Burnham, Hawk, Schnaidt.

W. G. Eakins having received a majority of the votes was declared the duly elected clerk of the House.

J. G. Hamilton was then elected assistant clerk by acclamation.

J. W. Cone was elected bill clerk by acclamation.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

MR. SPEAKER:

I have the honor to inform your honorable body that the Council is now organized by the election and qualification of the following officers, viz:

President, G. A. Matthews.
Chief Clerk, T. A. Kingsbury.
Assistant Clerk, R. E. Wallace.
Enrolling Clerk, C. W. Starling.
Engrossing Clerk, O. A. Southmayd.
Sergeant-at-Arms, W. B. Troy.
Clerk of Judiciary Committee, H. E. Dewey.
Chaplain, Rev. Caleb Ben-Ham.
Messenger, Chase Cummings.
Doorkeeper, M. W. Spaulding.
Asst. Sergeant-at-Arms, S. S. Hitsman.
Watchman, John Little.
Pages, Martin Henry Newton and Arty Linn.

And is now ready for the transaction of business,

T. A. KINGSBURY
Chief Clerk.

H. C. Rorapaugh was nominated for sergeant-at-arms.

The roll being call there were 47 votes cast, of which H. C. Rorapaugh received 47.

Those who voted for Mr. Rorapuagh were—

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Flecther, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting—

Mr. Schnaidt.

Mr. Rorapaugh having received a majority of the votes cast, was declared the duly elected sergeant-at-arms of the house.

O. M. Russell was elected assistant sergeant-at-arms by acclamation.

Mr. O. K. Bullard was nominated for enrolling and engrossing clerk.

The roll being called, there were 46 votes cast, of which Mr. Bullard receives 46.

Those who voted for Mr. Bullard were—

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Lawrence, Patton of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting—

Messers. Schnaidt, Stewart of Walsh.

Mr. Bullard having received a majority of the votes cast, was declared the duly elected enrolling and engrossing clerk of the House.

Miss Clara Kelly and Mr. J. T. Warnken were nominated for assistant enrolling and engrossing clerk.

The roll being called, there were 46 votes cast.

Those who voted for Miss Kelly were—

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill. Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted for Mr. Warnken were—

Messrs. Adams, Burnham, Elliott, Fellows, Hawk.

Absent and not voting—

Messrs. Schnaidt, Williams of Burleigh.

Miss Kelly having received a majority of the votes cast, was declared the duly elected assistant enrolling and engrossing clerk, and

On motion the election of Miss Kelly was made unanimous.

Daniel Shields and J. T. Warnken were nominated for messenger of the House.

The roll being called, there were 41 votes cast.

Those who voted for Daniel Shields were—

Messrs. Aikens, Berry, Bidlake, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth and Mr. Speaker.

Those voting for J. T. Warnken were—

Messrs. Adams, Burnham, Dodds, Elliott, Fellows, Hawk, Shook, Sprague, Wyman.

Absent and not voting—

Messrs. Cook, Ely, Ensign, Hubbard, McDonell, Schnaidt, Williams of Burleigh.

Mr. Shields having received a majority of the votes cast, was declared the duly elected messenger of the House.

Mr. Flick was nominated for watchman.

The roll being called there were 46 votes cast.

Those who voted for Mr. Flick were—

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows ,Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting—

Mr. Schnaidt.

Mr. Flick having received a majority of all the votes cast was declared the duly elected watchman of the House.

Mr. William F. Cook was nominated for chaplain of the House.

The roll being called there were 46 votes cast.

Those who voted for Mr. Cook were:—

Messrs. Adams, Akins, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting—

Schnaidt and Williams of Burleigh.

Mr. Cook, having received a majority of the votes cast, was declared the duly elected chaplain of the House.

Messrs. Eugene Lilly, E. A. McFadgen and J. T. Warnken were nominated for doorkeeper of the gallery.

The roll being called, there were 42 votes cast.

Those who voted for Eugene Lilly were—

Messrs. Mallory, Patton of Lawrence, Royer, Ruggles, Schnaidt, Terrill, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted for E. A. McFadgen were—

Messrs. Berry, Bidlake, Ely, Ensign, Gilbert, Greene, Hobart, McDonell, Stewart of Walsh.

Those who voted for J. T. Warnken were—

Messrs. Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fellows, Fletcher, Glendenning, Harkins, Hawk, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Pruitt, Shook, Sprague, Stewart of Fall River, Sullivan, Ward, Williams of Grant, Wyman.

Absent and not voting—

Messrs. Adams, Patten of Miner, White.

Mr. Warnken having received a majority of the votes cast, was declared the duly elected doorkeeper of the gallery.

Mr. Ward was elected postmaster by acclamation.

Mr. Pruitt moved

That the speaker appoint a committee of three to wait on the Governor and inform him that the House is now organized and ready to receive any communication he may have to lay before it.

Which motion prevailed.

The speaker appointed Messrs. Pruiit, Williams of Burleigh and Adams as such committee.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

MR. SPEAKER:

I have the honor to inform the House of Representatives that the president of the Council has appointed Messrs. Galloway, Mead and Bogert as members on the part of the Council of a joint committee to wait on his Excellency the Governor and inform him of the organization of the Legislative Assembly and that it is ready to receive any communication that he may be pleased to make.

T. A. KINGSBURY,
Chief Clerk.

Mr. Burnham moved

That the clerk be instructed to inform the Council that the house is organized and ready for business.

Which motion prevailed.

Mr. Gilbert moved

That a committee of three on rules be appointed, and that the rules of the Sixteenth Session of the Legislative Assembly be used for temporary government of the House.

Which motion prevailed.

The Speaker thereupon appointed Messrs. Gilbert, Fellows and Hawk as such committee.

D. F. Royer, of Jerauld, was granted leave of absence for one week on account of sickness in family.

Mr. Ward moved

That the House proceed to draw for permanent seats.

Which motion prevailed, and

On motion Mr. Stewart, of Walsh, was allowed to select his choice of seats.

The following communication was presented to the House:

To the Honorable, the Speaker of the House:

SIR:—On behalf of Governor Pierce and the officers of the Territory, an invitation is extended to you and the members of the House of Representatives, to attend a reception to be given by them at 8 o'clock this evening, at the capitol, to Hon. L. K. Church and the members of the Legislative Assembly.

E. W. CALDWELL.

On motion of Mr. Williams of Burleigh,

The invitation so extended was accepted.

On motion,

The house took a recess until 2:30 o'clock P. M.

On assembling after recess,

The speaker appointed Messrs. William Chance and Henry Murphy as pages.

The sergeant-at-arms announced

That the officers and members of the Council were present.

The speaker vacated the chair, and

G. A. Matthews, president of the Council, became presiding officer of the joint convention.

Mr. Williams of Burleigh moved,

That the president appoint a joint committee of five to wait upon the governor and inform him that the Houses were now organized in joint session, and ready to receive any communication he may have to make them.

Whereupon

The president appointed

Messrs. Williams of Burleigh, McCumber, Aikens, Grigsby and Dodge as such committee.

The committee then presented Hon. Gilbert A. Pierce, governor, who was introduced by the president and delivered his message.

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

Once more the Legislature of the Territory of Dakota has assembled in obedience to law. With few exceptions the faces of those who compose this General Assembly are new to these halls. In the exercise of their sovereign will and pleasure the people have seen fit to fill the places of their former servants with other men, who have gained in daily intercourse with them their esteem and confidence. But while the *personel* of law-making bodies may change, legislative authority and responsibility remain. Men die, officials change, but government endures. For the time being this assemblage is empowered to speak and act for the 500,000 people who comprise the population of this territory. It is a grave responsibility. How you shall perform this representative work most faithfully and effectively, is a question that may well inspire anxious thought and serious reflection.

In many respects, gentlemen, you come here at an auspicious time, and under favorable conditions. I do not remember a period when better and kinder feeling has prevailed; and in spite of the hard times so generally felt throughout the Union, there has never been an assemblage of the Legislature which found the fiscal concerns of the Territory in so prosperous a condition. Taxation for Territorial purposes is now so light as to be scarcely felt by the people, and can be reduced still further in the near future. The treasury shows a balance on hand not only sufficient to pay all proper expenses of the Territorial government, and all reasonable appropriations, but to pay off all the bonded indebtedness of the Territory, which under the option contained in the law, can be called in at this time.

Ninety thousand dollars of bonds, which it was provided might be paid by the Territory at its option within five years of their issue, have already been called for by the Treasurer, but owing to the neglect of the law to provide exactly how this call might be issued, and under what circumstances interest on such bonds should thereafter cease, holders have refused to present them for redemption. This difficulty should be promptly met by the enactment of a law permitting the Treasurer to take advantage of the option reserved, and holders be required to either refund the bonds at a lower rate of interest, or present them for redemption. The Territory is paying about $14.00 per day on these bonds, which can be stopped at once if the Legislature will grant the necessary authority.

SALE OF BONDS.

The bonds authorized by the last Legislature, amounting to $176,000, were sold at 1.03 2-10 and the premium, amounting to $5,638.40, was credited to the Territory on the books of the Treasurer.

This is the first instance in the history of the Territory where bonds have sold at a premium; indeed as late as the summer of 1884, a similar class of bonds were sold at 98 and 98½. While the sale, therefore, was in some respects gratifying, and the growth of confidence in the financial standing of Dakota very encouraging, there is no question but that the 6 per cent. bonds of the Territory are worth much more than the amount received. Two or three things have operated to injure, in some degree, our financial standing; one is the fact that Dakota is still in a territorial condition, territorial bonds being unpopular as a rule. Another is the existence of the outstanding territorial warrants, issued under the law providing for the Capital Commission. In some places a non-payment of these warrants by the Treasurer seemed to give the impression that the Territory was either unable to pay, or else was endeavoring to repudiate her obligations. With the latter obstacle removed, I believe that 4 per cent. bonds can be sold at par, and if long-time bonds should be issued, the interest can be made even less than that named. It will not be a year before our 6 per cent. bonds having ten years to run will be worth at least 1.12 or 1.15; I am informed that such bonds cannot be purchased to-day for less than 1.10.

It would no doubt be better if our bonds were not classified as "Agricultural College bonds," "Normal School bonds," etc., but were issued as one general bond of the Territory. This would cause no embarrassment in any future division of Territorial indebtedness, for the appropriation always states the object for which bonds are issued. It would also add to the popularity of our securities if the time for which they run were made certain instead of optional with the Territory. Investors do not like to be in doubt as to whether they have loaned money for five years or ten or twenty.

RECEIPTS AND EXPENDITURES.

The total receipts from all sources for the biennial period covered by the Treasurer's report, including balance on hand at the close of 1884, were $1,395,216.67.

The total amount paid out for same period was $1,162,234.04, leaving a balance in the treasury, Nov. 30th, 1886, of $232,982,63. Deducting the amount paid to counties as their share of railroad tax, the amount of bonds, etc., for permanent improvements of public institutions, and we have a balance of $706,278, which represents the amount expended during the biennial period. Take from this the cost of the Constitutional Convention, the Census, New Orleans Exposition, furniture and heating for Capitol, and other extraordinary appropriations made two years ago (but not required now) and the total expenditure, less the bond interest, is $538,279,73 for the ordinary expenses of the Territorial government, or $269,139.86 per year. This sum is divided as follows:

Vermillion University	$30,639 27	
Grand Forks University	26,867 16	
Deaf Mute School	13,860 42	
School of Mines	1,211 41	
Madison Normal School	13,817 67	
Spearfish Normal School	5,488 85	
Agricultural College	21,777 16	
Total for Education Institutions		$113,661 94
Yankton Hospital for the Insane	$108,085 29	
Jamestown Hospital for the Insane	65,030 89	
Total for Insane		$173,116 18
Sioux Falls Penitentiary	70,923 46	
Bismarck Penitentiary	38,885 65	
Total for Prisons		$109,809 11

Railway Commission	13,543 08	
Adjutant General's Office	2,463 97	
Militia Maintenance, including expense of Adj.-General's office	35,009 88	
Returning Fugitives from Justice	9,241 00	
Legislative Expenses	21,217 71	
Board of Agriculture	7,021 44	
Commissioner of Immigration	11,090 43	
Attorney's General's Office	5,602 99	
Superintendent and Ass't., Sup't., Public Instruction	10,981 69	
Auditor and Auditor's Offiice	4,982 74	
Treasurer and Treasurer's Office	5,328 00	
Board of Health	2,881 61	
Teacher's Institute	630 50	
District Attorneys (salaries)	1,500 00	
Territorial Library	666 78	
Court expenses in Unorganized Counties	5,803 30	
Blind	2,908 46	
Supervisors of Election	409 20	
Transportation of Arms	409 82	
		141,692 50
Total		$538,279 73

The Treasurer makes various suggestions and recommendations in his brief but comprehensive report to which I invite the attention of the Legislature. It is evident that the law under which he acts requires amendment in several important particulars.

CAPITOL WARRANTS.

At the last session of the Legislature I recommended the discontinuance of the Capital Commission, or at least the passage of an act providing for a reappraisement and sale of the property conveyed to the Territory, and the payment of the debts contracted by the Commission, these debts amounting at that time to between twenty and thirty thousand dollars. Nothing was done, and the Commission, with almost unlimited powers, was continued. Something over twenty thousand dollars has been added to the amount outstanding, until the total amount now reaches $52,000, evidenced by Territorial warrants drawn on the Capitol Building Fund, but not paid by the Treasurer for lack of funds. These warrants are an anomaly in our financial system. They are a constant menace to our credit, and detrimental to our good name. The people interested in our securities persist in misunderstanding the attitude of the Territory, and protests are received from various quarters against what is called our repudiation of the Territory's obligations. An old law provides that all warrants shall be received for taxes, and an application was made a year ago to have them taken for this purpose. To test the case the Treasurer, under my direction, refused to so receive them. Suit was brought, and the District Court held that they must be taken. Under the peculiar circumstances I directed an appeal. This appeal is still pending, although I sometime ago requested the Attorney General to dismiss it on condition that no more warrants, except those then provided for, were issued, and that the Commission would resign and pay the accrued costs.

The property belonging to this fund, worth certainly much more than the debt, should be sold and some plan adopted which will no longer permit these warrants, bearing the official seal of the Territory, to be hawked about the country, an embarrassment and disgrace to the people.

AUDITOR.

The report of the Auditor shows that a vast volume of business has been transacted in his office. Nothing more clearly denotes the growth and development of the Territory than the exhibit thus made. I call particular attention to this report and the suggestions contained therein which are based upon the experience of this officer and made after the most pains-taking and diligent inquiry. His recommendations regarding the amendment of the revenue law are particularly worthy of consideration.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

The report of the Superintendent of Public Instruction gives a marvelous exhibition of the growth of the Territory, both in population and educational advantages. The report has been received so late as to prevent that extended comment which its importance deserves. I can only commend it to the Legislature as well worthy of their examination and study.

The following table gives a brief summary of the facts contained in the report. The figures are those for the year ending June 30, 1886:

Total Receipts	$ 2,349,265 54
Expeditures	1,917,258 68
Balance on hand	432,006 86
Number of Children of School age	103,384
Number of Teachers Employed	5,055
Number of Schools	3,905
Number of School Houses	3,467
Population to Each School	129
Sittings in School Houses	110,111
Value of permanent School Property	2,989,696 29

COMMISSIONER OF IMMIGRATION.

The interesting report of the Commissioner of Immigration is submitted herewith. If any one has supposed this office to be a sinecure, the perusal of the report will dispel this idea. The business of the Commissioner has steadily grown, until his office is now among the busiest of the Territorial officials. Inquiries about Dakota have been received from nearly every State and Territory in the Union, embracing nearly 6,000 separate inquiries in nineteen months. From 20,000 to 30,000 persons have been supplied with documents of various kinds. The number of miles of railroad track laid during 1886, as given by the Commissioner, is 678, and the total miles of completed road in the Territory, 3,491. Several hundred miles are graded also, on which tracklaying will begin in the spring. One of the most important duties assigned the Commissioner, that of collecting local statistics, he has been unable to perform in anything like a thorough and satisfactory manner, owing to the defects of the law. Such results as it has been possible to accomplish are submitted with his report. He suggests certain amendments to the law in this, and other respects, to which I invite your attention.

BOARD OF AGRICULTURE.

The Board of Agriculture has accomplished more than was hoped at its formation. It deserves encouragement. Two fairs have been held at Huron which were surprising in their completeness, and in the success which attended them. I believe an experimental farm under the direction of this board, or other competent direction, would be a valuable help to our agricultural interest. We do not want a scheme to provide places for more officials, but a plain, simple provision, for practical experiments, which shall be of service to the farmers of the territory.

BOARD OF DENTAL EXAMINERS.

The Board of Dental Examiners submit a report show-98 registered dentists in the territory. The receipts of the board for two years in fees have been $309; Expenditures $478.86. The board asks that the difference be made good by an appropriation.

RAILWAY COMMISSION.

The creation of the Railway Commission, while an experiment, has certainly redounded to the public benefit. Perhaps the greatest advantage has accrued from the speedy settlement of disputes between the people and the companies, the railways having for the most part complied very promptly with the requests of the Commission. All the roads in the Territory have reduced the rates of freight since the organization of the Commission, and some the passenger rates also. Considering that the powers of the Commission were limited, and that the law itself was very crude and incomplete, the people have reason to be encouraged over the results. Much yet remains to be done, however, before the full measure of usefulness is attained by the Commission. How this shall be realized is a difficult problem, as the question of transportation always has been. It does seem, however, as if some means ought to be devised whereby the farmers' product could be taken to market with reasonable promptness, and at rates which shall not invite bankruptcy. There has been more than one period in the past few years when the more grain a farmer raised the poorer he became. This is disastrous to the railroads as well as the farmer, for their hope, as well as his, lies in agricultural prosperity.

The Commission make a number of recommendations looking to the improvement of the law, to which I invite attention. Those relating to the regulation of elevators, requiring them to be licensed and operated under bond, so as to afford the farmer assurance that his grain is safely deposited, and stamping warehouse receipts with the necessary authority to make them negotiable, seem reasonable and timely.

An extraordinary state of affairs existed in October and November, particularly along the line of the Manitoba road, it being impossible to furnish cars to carry the grain brought in by the farmers. All the elevators were filled, teams were waiting at the stations to unload, and complaints poured in upon the Commissioners from all quarters. Perhaps so serious a blockade is not likely to occur again, but there seems but one remedy for the difficulty, and that is in multiplying the number of cars. The roads will probably take steps in this direction, but as these cars, and indeed a great number of the present complement must remain idle nine months in the year, the outlay will necessarily be a losing one, and will be incurred with hesitation. The correspondence on this subject, submitted in the supplemental report of the Commissioners, should be carefully read. This whole subject of transportation is a difficult one, but I know of none of such importance to the people. We look to the railroads to develope this country, and none of us wish to deter new lines from coming in; but the farmer must live, or roads will have no incentive to come, and would be of no use if they did come.

The Railroad Commission should have the confidence of the people. If from any cause, however slight, they are without that confidence, their power for good is greatly impaired. They should be under no personal obligations to the roads, and therefore, while they should have the privilege of passing over the various lines without charge, they should be prohibited from soliciting any special privileges in the way of passes or otherwise. The duty they have to perform is a delicate one, and the Board should be above the suspicion of having their judgment warped by favors of any kind whatever.

EDUCATIONAL INSTITUTIONS.

THE SCHOOL FOR THE DEAF AND DUMB,

at Sioux Falls, is in excellent condition and well managed. The appropriation made by the last Legislature for new buildings, etc., seems to have been wisely and judiciously expended, and the dormitory is not only well adapted for the purposes designed, but it is a beautiful edifice, of which the Territory may well be proud. It affords room for 70 pupils.

THE NORTH DAKOTA UNIVERSITY

shows an attendance of 58 students, entirely too small a number considering the character of the institution, the terms, and the excellent course of study offered. I am at a loss toaccount for the limited number of students, for the University appears to be well conducted, and the faculty to compare favorably with that of other educational institutions. Former disagreements in the Board of Control have disappeared, and there is no apparent reason why the University should not have a prosperous future.

THE UNIVERSITY AT VERMILLION,

is in a flourishing condition. The entire attendance last year was 195, and the first week of this year shows 125 students present, which gives promise of a total attendance during the year of some 250. The college building proper is a substantial structure, worthy of its name and the Territory. The dormitory built from the appropriation of two years ago is a monstrosity, illy designed, badly constructed, and entirely out of keeping with the rest of the University buildings. I hope to see it supplanted at no distant day with something more worthy of the institution.

THE AGRICULTURAL COLLEGE,

at Brookings, makes a report through its Secretary, which is herewith submitted. No institution in Dakota has a brighter future than this College of Agriculture, if properly managed and fairly fostered by the Territory. The attendance is already good, 252 students being enrolled for the last college year. There are at present 191 students in the College, and the number for this collegiate year will undoubtedly exceed the last. The absence of a proper report from the Directors makes it impossible to fully understand the expenditures of the Board, or the condition of the fund appropriated for the College two years ago.

I recommend that the Legislature call for a full and complete exhibit of the transactions of the Board, required by law, before making an appropriation for the next two years.

THE NORMAL SCHOOL, AT MADISON,

shows a very large attendance, and commends itself as a successful and well-managed institution. A calamity befell the school in the destruction of the old building by fire in 1885. The citizens of the town took the responsibility of rebuilding, trusting to the Legislature to make the appropriation for their relief. I recommend that this be done. The new building has cost $26,000, and is certainly one of the best as well as cheapest structures for public use in the Territory. The new dormitory is also well designed, and well worth the cost, although this is somewhat in excess of the appropriation.

The time named for the redemption of the bonds authorized by the last Legislature for this building should be corrected, a mistake having evidently been made in the engrossing bill.

SCHOOL OF MINES

The School of Mines at Rapid City provided for by the last legislature, will open for the reception of pupils next month. The Board of Trustees and the Dean of the Faculty express great confidence in the success of the school when fairly established. At the special term beginning in February there will be taught, Mineralogy, Geology, Chemistry, Engineering, Assaying, and the practical treatment of ores.

INSANE HOSPITALS.

The Yankton Hospital for the Insane has 144 inmates. The present superintendent reports capacity for only 125, although all previous reports have placed the number of patients who could be accommodated at 200.

The Jamestown Hospital has 136 inmates, while the reported capacity is but 100. In making calculations regarding necessary quarters for inmates, much depends upon the views of the superintendent, regarding the room required for patients. It is a question which requires examination, but I presume that forty or fifty more patients might be accommodated without any serious difficulty. At the same time I think it undeniable that there will be need of enlarging both hospitals before two years have expired. According to the estimates of the superintendents in charge, the Territory will have 600 patients by the end of 1888. But my experience is that these estimates are delusory. Two years ago the superintendent of the Dakota Hospital estimated that by December 1886, there would be 295 patients to be cared for from South Dakota alone, while the report now submitted shows that there are actually but 144. Still, as I have said, more room will undoubtedly be required. Just what additional improvements will be necessary is a matter for study and investigation.

The Trustees of the Jamestown Hospital show an expenditure of several thousand dollars in excess of their appropriation, this being for fuel, lights, and necessary furniture to accommodate the unexpected number of applicants for admission. Under the circumstances this seems justifiable, though expenditures of this character ought to be discouraged by the legislature. The Trustees in their very excellent report, give in detail the amounts of the bills contracted with the reasons therefor. They also ask that a committee of the legislature visit the hospital and see for themselves what has been done, and what it is proposed to do.

The Trustees of the Yankton Hospital have kept within their appropriation and have expended the money provided for repairs, improvements and buildings, in what seems to me a very judicious and economical manner. Both our institutions seem to be well conducted; indeed it would be difficult to find a hospital of a similar character in the country which is superior to either of them in this respect. The only apparant reason for complaint is the amount expended for maintenance, which seems too large.

INSPECTION OF INSANE HOSPITALS.

There is no provision under the law for the official inspection of our Hospitals for the Insane. There ought to be. The people of the Territory, many of whom have friends and relatives in the Asylums, and all of whom are interested in the humane features of this work, have a right to know how patients are treated, and how these public charaties are governed and administered. I confess that with all my facilities for knowing the inside workings of these institutions, I am uncertain as to the treatment of unfortunates. *I believe* they are treated humanely, *I believe* the officers in charge are kind, worthy and competent; but I have no means of *knowing* this to be true, for even had the Governor the authority to thoroughly investigate these matters, which he has not, the pressure of other official duties would make it difficult to give that attention to the subject which the matter demands. The unfortunates confined in the Insane Assylums are practically alone in their affliction. The kind hand of the friend or relative is necessarily withdrawn. Their lives are committed to the care of strangers accustomed to sights of distress, and who, however kind they may be, cannot feel that personal interest which is such a solace in times of trial, and without which care is but perfunctory, and sympathy mechanical. We cannot provide our unfortunates with that tender nursing and attention which is the offspring of affection alone, but we can see to it that kind treatment is extended to them, and that those who are placed in charge of these important trusts are not only qualified by education, but by temper, disposition and patience for the responsible duty required of them. We can see to it that the unhappy inmates are well fed and comfortably clothed; that they have cleanly apartments, wholesome food and exercise, and are free from unnecessary restraints, and especially from cruel punishments. We can see that the institutions are conducted with honesty, fidelity and economy.

If this duty were confided to a competent person, whose labor should also include prison visitation and the examination of applications for pardon, he would supply for the time being the place of a Board of Charities and Corrections, which must in time be created for the Territory.

PRISONS.

There are eighty-six prisoners in the Territorial Penitentiary at Sioux Falls. By placing two in a cell, this prison will accommodate 144 males and ten females, so that it would not seem necessary to provide further room at present, unless it is desired that prisoners should be entirely separated. A very clear and concise report is furnished by the Directors, which, together with estimates for improvements and maintenance, I submit herewith.

The Bismarck Penitentiary contains fifty-two prisoners, all but one of whom have been sentenced from North Dakota in the past twelve months. The present wing contains room for 144 prisoners, by placing two in a cell, or seventy-two single occupants. An exhibit is submitted herewith, largely made up of the able report of the Warden, addressed to the Directors. He advances many strong reasons for the separate confinement of prisoners, to which I direct attention. Upon this subject of single or dual occupancy of cells depends the question of whether provision shall be made for enlarging both prisons.

The law of 1885 allowing the Governor, at his option, to open the Bismarck Penitentiary as a Reform School was found inoperative, owing to the failure to confer upon the courts power to sentence prisoners of this class to confinement at Bismarck.

THE GOVERNMENT OF PRISONERS.

I should be glad to have a committee of the Legislature examine into the workings and management of the two Penitentiaries. I think it important, for the reason that there is doubt in my own mind as to the best policy to pursue in the government of these institutions. Prisons must necessarily be places to be dreaded and shunned, or confinement in them will aid very little in inspiring a wholesome fear of the law. At the same time we should see that the treatment is humane and in keeping with the policy of reformation. How to draw the line between too great severity on the one hand and too much leniency on the other is an important question.

PARDONS.

The question of pardons is one that demands the consideration of the legislature. No duty that devolves upon the governor is filled with more perplexity, than that relating to prisoners applying for mercy or justice at his hands. Since my last communication to the legislature I have issued pardons to the following persons:

NAME.	Crime.	Sentenced.	Term.	Pardoned.
Steven Adams	Manslaughter	Feb. 1886	30 Days	July 21, 1886
John Malloy	Robbery	July 1882	10 Years	Apr. 10, 1886
Alfred M. Flagg	Embezzlement	April 1884	4 Years	Apr. 10, 1886
Marcus Liverson	Grand Larceny	April 1884	3 Years	Mar. 17, 1885
Ben Wimpiebury	Extortion	June 1884	2 Years	Mar. 19, 1885
William Smith	Assault	Nov. 1884	1 Year	 1885
Pat. R. Smith	Assault	Dec. 1884	1 Year	June 15, 1885
Frank H. King	Robbery	July 1882	10 Years	Aug. 21, 1885
S. E. Ellefson	Forgery	April 1884	2 Years	July 23, 1885
George Sues	Rape	Nov. 1883	25½ Y'rs	Oct. 10, 1885
Charles Reynolds	Grand Larceny.	June 1885	1 Year	Jan. 20, 1886
Wellington Reynolds				
Andrew Donahoe	Assault	April 1884	3 Years	Feb. 23, 1886
C. F. McCumber	Bigamy	June 1885	5 Years	Dec. 15, 1886

Sentences have been commuted in the cases of:

NAMES.	Crime.	Sentenced.	Term.
R. H. Woodworth	Grand Larceny.	Jan. 1885	1 5-12 Yrs.
J. O. Rice	Robbery	Feb. 1884	5 Years
Charles Robillard	Grand Larceny.	Nov. 1884	½ Year
Mitchel Hadwin	Manslaughter	Sept. 1883	4 Years
Thomas S. Weiss	Falsely impersonat'g another	Nov. 1883	4½ Yrs.
Frank Barnstetter	Assault	Mar. 1885	4½ Yrs.

In nearly every instance applications for pardons have been endorsed by the jury trying the prisoner, the judge passing sentence, and the officers of the court, as well as many citizens. I may say here that whatever my own convictions have been, regarding the propriety of granting a pardon to any person, I have been disposed to modify or suspend sentence when the jury and the judge who originally imposed the punishment have themselves deemed it too severe, either from subsequent reflection or the presentation of new facts to their minds. A Board of Pardons would be a valuable auxilliary in enabling the Governor to arrive at correct conclusions in pardon cases.

I have been very much, and very favorably impressed with the law passed in 1885, in the State of Ohio, relating to the parole of prisoners. It provides that when any prisoner is imprisoned under a sentence other from that of murder in the first or second degree, who has served the minimum term provided by law for the crime of which he was convicted, and who has not been previously convicted of felony, he may be allowed to go upon parole outside the building or enclosure, but to remain in the legal custody, and under the control of the Board, subject at any time to be taken back. Full power to retake and to reimprison is conferred upon the Board. To my mind there are several excellent features about this law. In the first place the prisoner must have served the lesser time allotted for the punishment of the crime of which he has been convicted; in the next place he is placed at liberty with every incentive to become an honest and industrious citizen. If he fails to meet the expectation of the authorities, he is liable to be retaken, imprisoned and punished to the fullest extent of the law, whereas, if he fulfils his duty and his promise, he is at perfect liberty to labor for his own support and the support of his family. During the period while this supervision and incentive exists, he must necessarily grow into the ways of honesty, sobriety and industry, if such a thing as reformation is at all possible in his case. It seems to me that after an experience of a few years of this kind, meeting, as men usually will, with fair success, the incentive to crime thereafter will be almost if not wholly removed, and all the chances are in favor of such a man continuing in the path of rectitude which he has so successfully begun. So far as I have been able to learn, the law has worked well in Ohio, although of course its full fruits cannot as yet be realized, owing to the brief time which it has been in operation.

I do not think there is any phase of legislation more worthy of the careful consideration of the legislators than that relating to the care of prisoners. It is generally conceded that laws should be reformatory as well as penal; that part of the design of our criminal jurisprudence is to reform men who have been guilty of offense against the statute. This being the case, any plan promising success in the direction of reform should receive the fullest and freest investigation.

THE MILITIA.

The militia has cost somewhat more than the annual appropriations, and the overplus, amounting to $4,545.91, has been paid out of the general fund. The Auditor explains in detail why this was done. In this and several other laws there is a mandatory provision requiring certain accounts to be audited and paid seemingly regardless of the amount appropriated. While this was not an objectionable provision in this instance, perhaps, it is one that is liable to lead to much embarrassment. I recommend therefore that a law be enacted similar to that passed by Congress, prohibiting payments beyond the amount of the appropriation in each case. This will relieve the Territorial officers from doubt in a number of cases which arise every year in the transaction of public business.

Largely upon my recommendation the appropriation of two years ago for the Militia was cut down from $25,000 to $15,000 per annum. This is abundant to keep up an effective organization, provided authority is given the Governor to limit the number of men in each company. Under the present statute the number may be twenty or one hundred at the option of the Captain, and we found at Fargo about 1,000 men to be transported, subsisted and paid a per diem. I took the responsibility of limiting the number taken to the Aberdeen encampment, confining it to the active members of companies, and those present at the last inspection. The result was gratifying in all respects, and the expense scarcely more than half the former gathering. Beyond the natural pride which a State or Territory must possess in a well organized militia, is the fact referred to in my message of two years ago, that under the law every ablebodied male citizen between the ages of eighteen and forty-five is required to be enrolled, and is subject to call at any time for military duty. This organization, therefore, not only saves the people from the annoyance of a demand upon their time for such service, but is found very convenient in case of local disturbances, liable to arise at any moment. Of course, if no action is taken by the legislatue, the organization will continue as now, the appropriation being a permanent one. I am not inclined, I hope, to permit my pride in the Militia organization to effect my jugment, but I am perfectly confident that in appearance, drill, and general effectiveness. the National Guard of Dakota stands in advance, not only of all Territories, but of many States long since admitted to the Union and granted the privileges still denied her.

The Quartermaster General submits a brief report showing the transactions of his office for the bienniel period. The Adjutant General will submit a report later, the recent death of General Free having caused delay.

CONTAGIOUS PLEURO-PNEUMONIA.

In October last, much excitement was created among the farmers and cattle-owners of the Territory by a report that contagious pleuro-pneumonia had broken out in a herd of cattle owned by Mr. W. J. Ethrington, in Oliver county. An examination was made by the veterinary surgeon of the Cattle Growers Association of Montana and by Dr. Coe, of the Morton County Board of Health, and the conclusion reached that this dangerous disease really existed in the herd as reported. The cattle had been purchased in Chicago and shipped from there at about the date of the breaking out of the disease in the stock yards of that city, where they were no doubt exposed. The alarm created by the report resulted in numerous inquiries from neighboring States and Territories, and the greatest anxiety regarding the outcome of the epidemic. There was a demand made upon various Governors for a quarantine against Dakota cattle, and for a while it looked as if this could scarcely be avoided. I deemed it of the utmost importance that prompt and rigorous measures be taken to stamp out the disease, and to this end requested the Superintendent of the Board of Health to issue the necessary orders for the confinement of the cattle, or if necessary for their extermination. An examination of the animals confirmed the pre-existing opinion that the disease was the worst form of this cattle scourge, and orders were finally issued to kill the animals and burn them, or bury the bodies in lime. The latter course was adopted, and one hundred and thirty (130) head were thus disposed of. The result was the entire eradication of the disease, although several herds in the neighboring towns which were supposed to have been exposed, were kept secluded for some weeks afterward.

A detailed report of the action taken, accompanied by photographs, is submitted with this message.

The law creating the Board of Health provides for "isolating, killing or removing any animals affected with contagious or infectious diseases," and a general provision is made for the payment of expenses growing out of the enforcement of the law. I have not felt at liberty, however, to direct that this rather extraordinary expenditure be paid from the general fund under the provisions of that statute. I have preferred to leave the question of reimbursing the owner of the cattle to the Legislature, after the facts shall have been thoroughly inquired into. The owner will present to the proper committees a statement of the original cost of the cattle, and other information which it is proper to obtain. In settlement of the claim I think it fair to take into consideration the undoubted fact that a large proportion of the herd thus affected would, in all probability, have died and been a loss to the owner, even if not interfered with by the Territorial authorities, but a fair and just adjudication of the claim should be made, and I trust this will be done as soon as the business of the Legislature will warrant. The cattle were owned by W. J. Ethrington, J. B. Ethrington and J. B. Fellows. An appraisement of them was made by Dr. Halloway, A. T. Fisher and Richmond Grandbury, under direction of Dr. Coe, and the following allowance recommended:

120 Yearlings, two-year-olds and three-year-olds, at $21 each......	$2,520 00
4 Work Oxen, at $75 each	300 00
Total...	$2,820 00

This allowance should be verified by facts and proofs presented to the proper committee. I have been requested to call the attention of the Legislature to the necessity of a general law relating to this cattle scourge, and to House bill 54, which obtained considerable consideration at the last session, but did not become a law. The subject will be brought to your attention in many ways.

BOARD OF HEALTH.

It is probable that the law creating the Board of Health will require amendment in some particulars. A good deal of labor has been performed, but there has been some complaint regarding the provisions of the law by members of the Board, and considerable complaint on the part of the public of the manner in which it has been administered.

THE CENSUS.

The entire expense of taking the census of the Territory amounted to $44,968.47. The amount allowed for the purpose by the Treasury department was $35,506.89, leaving a balance of $9,461.58. $3,241.33 of this allowance was withheld by the department to cover the direct tax levied in 1861, and which Dakota, in common with nearly all the states, failed to pay in full. This amount will be returned to the Territory as soon as authority can be obtained from congress.

I do not believe that money was ever more advantageously expended than in this work. I want to direct attention to the fact that this census taken so hurriedly and under discouragements and difficulties, which it sometimes seemed impossible to surmount, has become the official record of the government, unquestioned and undisputed. I will not dwell on the details of the vexations and annoyances which met the officers intrusted with the work at almost every step. The magnitude of the task was not realized by me when the recommendation was originally made to the legislature. From the day when attempts were made to secure the necessary blanks, and to acertain just what would be regarded as a fulfillment of the law of congress, until the day when the completed returns were deposited in the Department of the Interior, the obstacles presenting themselves were continuous, and the labor unceasing. No other Territory succeeded in complying with the law, and no other state save one did so, and that had an enumeration of only 60,000 people; and finally saw the entire appropriation she had earned withheld by the Treasury department to cover old indebtedness. It is a simple act of justice on my part to make this public acknowledgment to the Supervisors of the Census, A. W. Edwards, of Fargo, and R. B. Fiske, of Pierre, and generally to the several hundred enumerators employed by them, for their faithful and untiring efforts in this work. But for the zeal and energy displayed by them the attempt would have been a failure, and the population and resources of Dakota would yet be a question of dispute.

THE NEW ORLEANS EXPOSITION.

Since the adjournment of the Legislature the accounts of the Dakota Commissioner to the New Orleans Exhibition have been received, examined, and closed, by the officers selected by the Legislature to perform this duty. The vouchers, papers, and itemized accounts are in the office of the Auditor, as are also those relating to the Militia, the Census, the Capitol Commission, the Railway Commission, and every other Board authorized by law. I have also had filed in the Auditor's office, itemized accounts of the two funds contributed by the citizens of Fargo and Aberdeen, as a bonus for the holding of the military encampment in these places.

Though there is no statute governing the expenditure of such funds the same care has been taken as in the case of monies paid from the Territorial Treasury, and I invite attention to these accounts along with the rest.

COMING EXPOSITION.

I have been strongly urged by the officers of the American Exposition in London, to call the attention of the Legislature to the necessity of having Dakota properly represented there.

I leave the question in the hands of my successor, and will turn over to him the various documents relating to the subject.

The same may be said of the proposed American Exposition in Washington, to commemorate the centennial anniversary of the adoption of the constitution. If this enterprise receives the sanction of congress it will be important that Dakota be fairly represented there.

WOMEN AS OFFICIALS.

The law relating to Notary Publics, classes such persons as Territorial officers, and subjects them to the qualifications required by the general law, one of which is that they must be male persons over the age of twenty-one years. I know of no reason, moral or political, why women should not hold the office of Notary Public. I speak of this here because I have had applications from worthy, intelligent, capable women, which I have been compelled to refuse solely because of sex. The duties of a Notary Public are not such as to conflict with even the traditional sentiment regarding woman's sphere. Females may already, under the existing statute, hold the office of County Superintendent of Public Education, which is certainly a position of much more importance, and vastly more difficult to fill than the place of Notary Public. I hope the Legislature will so amend the law as to do away with this restriction on account of sex.

SOLDIERS' HOME.

The Territory should take the initial steps to construct a home for disabled soldiers. We do not need this now, but the time is coming when it will be required. There are between ten and twenty thousand old soldiers in Dakota. For the most part they are thrifty and prosperous, but misfortune will overtake some, and they should not be left without provision. Our old soldiers must not become mendicants, or occupy poor-houses. I recommend the setting aside of a certain percentage, either of the revenue, or of the bonds redeemed, as a fund for this purpose, and which will in a few years enable us to construct a home worthy of the object to which it is dedicated.

TERRITORIAL MUSEUM.

A few car loads of articles sent to the New Orleans Exposition were returned to the Territory, and stored in the Capitol building. They are of little intrinsic value, but will possess much interest in the future as an illustration of the early life of the Territory. I hope the Legislature will see to it that the collection is safely kept.

EXEMPTION LAW.

The Auditor calls attention to the difficulty experienced in interpreting certain provisions of the exemption law. This law will no doubt receive attention at your hands, and the suggestions of the Auditor should be considered in connection with any amendments that may be made.

PUBLICATION OF THE LAWS.

Some means should be adopted by which legislative enactments can be brought more speedily to the knowledge of the people. Laws are frequently enacted and go into operation from two to six months before there is any possibility of their general distribution even among the judicial officers and practicing attorneys of the Territory. Considerable time is necessarily required to prepare the laws for publication after the close of each session of the Legislature; and during this period there must necessarily be general uncertainty as to the provisions of enactments which may be of the utmost importance to the public. There are two ways by which this objection can be overcome ; one is by publication in the newspapers in each county of the Territory; the other by providing that laws, except when there exists an immediate emergency for their taking effect, shall not go into operation until they are regularly printed by official authority.

SALARIES OF COUNTY OFFICERS.

I recommend the passage of a general law providing salaries instead of fees to county officers. While there are some objections to the salary feature, it seems to me there are many more to the present system. In some cases the fees allowed are insufficient to secure the services of competent men, while in other cases they largely exceed even the most liberal compensation for the services required, and naturally arouse complaint on the part of the tax-paying public. I believe a graduation of salaries can be made fair alike to officials and the public, and which will remove all just cause of complaint on the part of either.

OFFICERS OF PUBLIC INSTITUTIONS.

In my message two years ago, I called attention to the necessity of some uniform provision regulating the per diem, mileage, and meetings of the Boards of Public Institutions. The amount paid in the last two years is some thousands less than for the two previous years, but is still at least double what it should be. The legislature should fix the mileage and per diem, limit the number of meetings for which pay or mileage shall be received, and provide that any other sessions of such boards shall be holden without expense to the territory.

POSTPONING TAXES.

I recommend that the act passed at the last session extending time for paying taxes, be made applicable to the present year. It is not certain but that the statute of 1885 should be made a permanent one. The time for paying taxes under the general law is fixed at a date which seems inconvenient, and when tax payers, as a rule, are least able to meet the demands upon them.

THE INSURANCE LAW.

Under our insurance law, process must be served on all Dakota companies at the home office, and the trial of cases must, of course, be held in the court having jurisdiction in that locality. The result is that persons suffering losses which are contested by such companies must sometimes journey with their witnesses, hundreds of miles to attend court, thereby incurring costs and expense which often amount to as much as the sum which they seek to recover. This is particularly hard on the small insurer, and it is only fair to all parties that process should be returnable in the county where the insurance policy is held, the same as in the case of foreign companies.

A thorough examination of the condition and assets of companies is demanded by every principle of prudence. This examination should be made mandatory and the officer charged with this duty should be required to make a report and publish it in the place where the main office of the company is kept, or where it will best come to the knowledge of the public. The truth is, the whole law needs thorough revising; not so much amendment as substitution.

SALE OF RAILWAY LAND FOR TAXES.

A serious embarrassment has arisen under the decision of the Supreme Court of the United States, in relation to the taxation of lands, the title of which is in a land grant railroad company. In many cases these lands have been sold for delinquent taxes, and have been purchased by parties who hold title from the county which must make the purchase whole. A proportion of these taxes have been paid into the Territorial Treasury, and it is only just that when the counties are called upon to refund, the Territory should return its share to those thus affected. This cannot be done without legislative authority.

PUBLIC EXAMINER.

I am satisfied that thousands of dollars would be saved and public business expedited by the appointment of a Public Examiner, authorized to prescribe a system of books and book-keeping for the guidance of county officers, look after errors, adjust differences, enforce prompt settlements, etc. The Treasurer gives in his report a table of county delinquencies, which affords food for much reflection. There has not been a case of loss by a defaulting Treasurer, in the Territory, which has come to my knowledge, that would not have been prevented by a diligent and faithful Public Examiner. As now managed in many counties of the Territory, a treasurer can go on systematically defrauding the people, with little risk of exposure. Unless the commissioners and clerks are unusually efficient there are practically no checks upon him. Bonds, too, are frequently filed where the sureties are worthless. Few persons deem it their personal business to scrutinize and complain of insufficient sureties, and even if they know the facts, men hesitate to provoke enmity by objection. In a late case of suit against bondsmen, it was discovered, much to the surprise of everybody, that the principal had never signed the bond. All this laxity, carelessness, or dishonesty, could be largely prevented by a Public Examiner, charged with the special duty of inspecting such matters. I am told that no office in Minnesota is deemed more indispensable than the one having this duty in charge.

EXTRADITION OF FUGITIVES FROM JUSTICE.

The law relating to the issuing of requisitions for the apprehension of fugitives from justice, escaping from the jurisdiction of this Territory, demands amendment. There has been paid out during the past two years for the pursuit and arrest of fugitives $9,241. I venture to say that in half the cases a desire to secure a settlement of some civil suit, or the payment of money, lies at the bottom of the application. In the rules issued from this office governing such applications, I have required applicants to state under oath that the requsition was not sought for the purpose of enforcing a civil remedy, but solely to punish the offender under the criminal statute, and that the proceedings should not be used for any other purpose. This rule, however, does not cover the difficulty. It is easy enough to allege that this was the original purpose when a criminal prosecution is dissmissed and a settlement has been made of the matter in controversy. The law should be amended so as to provide that the expenses of returning fugitives shall not be paid by the Territory, except in cases of capital crimes, and indictments for felony, until the persons so returned have been duly convicted under the criminal statute.

REVISING AND CODIFYING THE STATUTES.

There has been no official revision and codification of the laws of this Territory since 1877. We now have the session laws of 1879, 1881, 1883, 1885, and the laws of this session will make six volumes of separate and distinct statute law which one must examine to ascertain the legal provisions applicable to the Territory. Some of the statutes are conflicting, and many of them are vague and difficult of interpretation. There ought to be a thorough and complete revision and codification of the laws, but it is impossible to secure this before two years have elapsed, when the necessity will be still more widely and generally felt. I recommend the appointment of three persons, whose duty it shall be to thoroughly examine and revise the existing statutes, and submit the result of their labors to the next General Assembly, whether Territorial or State, for examination, correction and adoption.

TITLES OF LAWS.

I recommend also the enactment of a statute which shall prohibit the repeal or amendment of any law without setting forth in full the law so repealed or amended. The absence of any such prohibition not only confuses the public mind, but leads, or is liable to lead, to the greatest abuse in legislative enactments.

APPOINTMENT OF REGENTS, DIRECTORS, ETC.

In many cases it is provided that the members of a Board shall hold their places for different periods; as, one for two years, one for four years, and one for six years. Confusion arises in cases of death or resignation of these officers, owing to the fact that appointments to fill the vacancy can only be made under the organic law for the period intervening between the occurrence and the end of the next General Assembly. The question arises, who is to fill the unexpired term of the person whose place is vacated. I am inclined to think the simplest and best way is to make the terms of all officers of public institutions two years, as was done in the case of two or three of the institutions by the last Legislature. An emergency exists for prompt action of some kind regarding this matter, as otherwise it will be rather difficult to determine just how many officers are to be re-appointed at the present session, and for what terms.

THE ACT LIMITING TERRITORIAL INDEBTEDNESS.

The credit of the Territory, as well as the credit of municipalities, is strengthened and improved by the passage of a law by Congress limiting indebtedness. Under that law the Territory cannot contract debts to an amount exceeding one per centum on the assessed valuation of the property of the Territory. Our assessment being $132,000,000, and our present indebtedness $568,700, it will be seen that we have not yet reached half the prescribed limit. Loans may be made for the erection of penal, charitable and educational institutions, but for no other purposes. The Legislature will take notice also of the fact that the law of Congress prohibits the passage of local or special laws in any of the following caces:

Granting divorces.
Changing the names of persons or places.
Laying out, opening, altering, and working roads or highways.
Vacating roads, town plats, streets, alleys, and public grounds.
Locating or changing county seats.
Regulating county and township affairs.
Regulating the practice in courts of justice.
Regulating the jurisdiction and duties of justices of the peace, public magistrates and constables.
Providing for changes of venue in civil and criminal cases.
Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village.
For the punishment of crimes or misdemeanors.
For the assessment and collection of taxes for territorial, county, township or road purposes.
Summoning and empaneling grand or petit jurors.
Providing for the management of common schools.
Regulating the rate of interest on money.
The opening and conducting of any election, or designating the place of voting.
The sale or mortgage of real estate belonging to minors or others under disability.
The protection of game or fish.
Chartering or licensing ferries or toll bridges.
Remitting fines, penalties or forfeitures.
Creating, increasing, or decreasing fees, percentages, or allowances of public officers during the term for which said officers are elected or appointed.
Changing the law of descent.
Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose.
Granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever.
In all other cases, where a general law can be made applicable, no special law shall be enacted in any of the territories of the United States by the territorial legislatures thereof.

It is further provided that no city, town or county shall hereafter make any subscription to the capital stock of any incorporated company or loan its credit to, or use it for the benefit of such company, or borrow money for the use of such company. It also prohibits the passage of any law by the territory whereby a debt shall be contracted, except to meet a casual deficit in the revenue, pay interest on the public debt, suppress insurrections, or provide for the public defense, except for the purposes already alluded to. No municipality, county or other subdivision can become indebted beyond 4 per centum of the value of the taxable property within such corporation. It will be noticed that *general* laws may be framed relating to many of the subjects enumerated, the prohibition being much the same as in many of the older States of the Union. The object of the law is to avoid that special legislation which, however great a convenience in some cases, is on the whole unfortunate and pernicious.

THE QUESTION OF ADMISSION.

The late election shows that Dakota has a population considerably in excess of half a million. The territory is filled with that most staid and permanent of all classes, an agricultural population. It expends two millions annually for schools. It has expended more than $600.000 in the erection of permanent buildings for territorial institutions. It has 3,500 miles of railway and 300 newspapers. It has

1,000 postoffices and pays $500,000 annually into the post-office department alone. In all that goes to make up a great commonwealth it is ahead of a dozen of the old states of the Union. It maintains its credit; it pays its debts; it contributes thousands upon thousands to the National Treasury. Its people are law-abiding and God-fearing. No army is required to maintain public order. No police are needed to protect citizens in the enjoyment of their prosperty. Respectfully, her people have petitioned for recognition by congress. Year after year they have seen that body meet and adjourn without action, and this in the face of that ordinance declaring that when any territory possesses 60,000 people it shall be admitted into the sisterhood of states. I do not doubt but that the blessings of statehood are magnified as the disadvantages of a territorial condition are exaggerated. But that does not matter. The people of Dakota are entitled to admission. No one denies it; no one questions it. Upon what hypothesis or ground of reasoning the application is denied, it is difficult to conceive; on the ground of policy it is a blunder; on the ground of partisanship it is something worse. We have seen people fighting to get out the of Union amid the protests of the National Government; it is a novel sight to see 500,000 people struggling to get *into* the Union without being heeded or recognized. The excuse sometimes heard that there is doubt as to whether the people desire one state or two is not valid. If congress cares to know the opinion of Dakota, let an enabling act be passed with a clause submitting this question to a vote; all doubt will then be dispelled. At least give her an opportunity to be heard.

I wish to say in this connection and with all emphasis, that the Territory cannot accomplish her aim by any extraordinary or extra-judicial methods. Let us disavow at once and forever all intention of seeking such a remedy. Experience has proved it difficult for a state to force its way out of the Union; it is even more difficult to force a way in. I take the responsibility of saying that no such attempt will be made by the consent of the people of Dakota. They will not place themselves in the attitude of law-breakers or revolutionists. I stake my reputation on their loyalty, on their patience and on their forbearance. They love the Union of these states. Thousands of them fought and shed their blood for its maintenance, and they recognize its paramount authority even when that authority forbids their participation in privileges which they have richly earned. But all this does not alter or lessen the wrong. It but makes it more glaring and flagrant. Nothing becomes a government or an individual more than the prompt recognition of rights which, owing to circumstances, cannot be demanded and enforced. The Nation is powerful; territories are helpless; they have no ingenerate powers. They were created on the supposition that the Nation would deal justly with them; they were left without redress because the fathers confided in the honor and good faith of those who were to succeed them. I beg the men who represent the statesmanship of this country, not to betray that trust. It is not the people of Dakota who will be the greatest sufferers by reason of such betrayal. It is the principle of representative government. An individual may be wrongfully denied the elective franchise without depriving him of the material pleasures of life; he may amass property, win friends, seek happiness in a hundred ways. But that wrong, like this, creeps into the body politic and festers there. It becomes the precedent for other and greater wrongs. It degrades liberty, sports with a solemn injunction of the fathers, and sacrifices those principles which are eternal to the pitiful exigencies of an hour. No party can afford to do this. No people are strong enough to trifle with a fundamental principle which affects the rights and privileges of half a million of their fellow citizens. We profess in this land to want an honest expression of the people regarding public measures and public men. Can any statesman honorably vote to exclude Dakota *because*, if admitted, her vote will probably be cast in a given direction? Is that the end and aim of statesmanship? Have our great men accomplished their life mission when they have deprived a few of their struggling fellow countrymen of a political privilege because they differ from them on the petty details of government? If that is so, then politics and politicians merit all the opprobrium heaped upon them. I speak here without one selfish thought. I utter this protest simply in behalf of the disfranchised thousands of honest, industrious, law-abiding citizens of this great Territory, who, so far as voice or influence in national affairs are concerned, are as powerless and helpless as the Indian tribe shut in upon a neighboring reservation.

The people must bear and wait; but let us hope that if ever, in the days to come, a representative of the State of Dakota shall raise his hand to stay the admission of a territory similarly situated, the people, remembering their own great wrong, will relegate him to eternal oblivion.

CONCLUSION.

Gentlemen of the General Assembly, I have tried to give a faithful account of my official acts during the two and a half years I have had the honor to preside over the affairs of this Territory. This will probably be my last official communication to the legislature, for though a temporary delay has occured in the assumption of the duties of this office by my successor, I am advised that such delay will be of brief duration.

I can be pardoned for referring with some pride to the records made by the various Territorial officers appointed to conduct public affairs. Their reports are before you and tell their own story. They reflect credit both on the Territory and the gentlemen who have served in these places of trust and responsibility. No scandal, defalcation, or usurpation of authority, has marked the official duty of these men. Their several departments have grown, flourished, and been wisely administered, and they come forward with clean hands in the closing days of their terms to render an account of their stewardship. I am grateful and proud of them. They merit the thanks of the people, and that meed of praise awarded in the olden time—" Well done, good and faithful servants." I leave the Executive office with my faith in the future of this land stronger than ever, and with heartfelt gratitude to the people for the unexampled kindness they have shown me. I commend my successor to that same kindness and forbearance. His duties will be arduous, his responsibility great. No one knows the full worth of friendship or the full value of generous words till he has labored in a field like this.

And now having terminated my official duty, I invoke the blessing of God on the members of this General Assembly, and on the people they represent.

GILBERT A. PIERCE,

Governor of Dakota Territory.

Upon the conclusion of the delivery of the message Gov. Pierce introduced the Hon. Louis K. Church, the newly appointed governor of the Territory, who thereupon addressed the joint convention,

Following which
The joint convention was adjourned.

Thereupon
The House assembled and
On motion it was moved
That when the House adjourn it adjourn to meet on Thursday at 2 o'clock P. M.,
Which motion prevailed.
On motion the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRD DAY.

BISMARCK, January 13, 1887.

The House assembled at 2 o'clock p . m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called,
All members present except
Mr. Royer, excused by reason of illness in his family, and Messrs. Ely. Hawk and Jones.
Who subsequently reported for duty.

Mr. Sullivan moved
That the reading of the journal be dispensed with.

The motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

BISMARCK, Jan. 13, 1887.

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has adopted the following
Joint resolution,
Providing for the furnishing to each member of the Legislative Assembly one copy of the Revised Statutes and Session Laws:

Resolved, That the Secretary of the Territory be and he is hereby requested to furnish to each member of the Legislative Assembly one copy of the Revised Code of 1877 and one copy of each of such Session Laws as have been published since said Code, if he has such books in his possession.

Your concurrence therein is respectfully asked.

T. A. KINGSBURY,
Chief Clerk.

Mr. Williams of Burleigh moved

To suspend the rules and that the message be read the second and third times and placed upon its final passage,

Which motion prevailed.

The roll being called there were ayes, 43; nays, 2.

Those who voted in the affirmative were—

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were—

Messrs. Stewart of Walsh, Terrill.

Absent and not voting—

Messrs. Burnham, Ely.

Mr. Royer being excused.

And so the resolution was adopted.

Mr. Sprague moved

That the House order two thousand five hundred (2,500) copies of the Governor's Message printed, for distribution among the members of the House.

Mr. Stewart of Fall River moved

To amend by substituting ten thousand (10,000),

Which amendment prevailed

And the original motion as amended was adopted.

By unanimous consent the rules were suspended and the House returned to the consideration of motions and resolutions.

Mr. Fletcher moved

That the committee on rules be instructed to report, as one of the standing committees of the House, a committee to be known as the "Committee on Temperance."

Which motion prevailed.

Mr. Williams of Burleigh moved

That the House take an informal recess subject to the call of the speaker.

Which motion prevailed.

The speaker announced the appointment of Miss C. A. Gray as stenographer.

INTRODUCTION OF BILLS AND RESOLUTIONS..

Mr. Gilbert introduced—

House Bill No. 1. A bill for an act to provide for the appointment and prescribing the duties of a Public Examiner.

Which was read the first time.

Mr. Elliott introduced—

House Bill No. 2. A bill for an act to amend an act to provide for the establishment of a Board of Railroad Commissioners.

Which was read the first time.

Mr. Miltimore introduced—

House Bill No. 3. A bill for an act to extend the time when taxes of 1886 become delinquent to June 1, 1887.

Which was read the first time.

Mr. White introduced—

House Bill, No. 4. A bill for an act to amend Section 13, Chapter 9, of the General Laws of 1885,

Which was read the first time.

Mr. Hobart introduced—

Joint Resolution, No. 5. Instructing the secretary of the Territory to procure Codes for members of the House and Council,

Which was read the first time.

Mr. Elliott introduced the following resolution:

Resolved, That the secretary now report as to his ability to furnish the Code of 1877, and Session Laws of 1879, 1881, 1883 and 1885.

Which resolution was adopted.

Mr. Williams of Burleigh moved

That the consideration of the Governor's Message be made the special order for Tuesday next,

Which motion prevailed.

Moved:

That when the House adjourns it adjourn to meet on Friday at 2 o'clock P. M.

Which motion prevailed.

And thereupon

The House adjourned.

W. G. EAKINS,
Clerk.

FOURTH DAY.

BISMARCK, D. T., January 14, 1887.

The House assembled at 2 o'clock P, M., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except

Mr. Royer, excused by reason of illness in his family.

Journal of the preceding day read and approved.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, January 14, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill, No. 12. A joint resolution and memorial to the Congress of the United States, praying the passage of what is known as the Dawes Bill, which provides for opening a portion of the Sioux Indian Reservation in Dakota, which has been passed by the Council, and to request your favorable action hereon.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

REPORTS OF COMMITTEES.

The Committee on Rules made the following report, which,

On motion of Mr. Burnham,

Was laid on the table.

The House Committee appointed to prepare Rules beg leave to report, and respectfully recommend the adoption of the following for the government of the House of Representatives of Dakota Territory, during the Seventeenth Legislative Session.

J. T. GILBERT, Chairman,
W. J. HAWK,
WM. H. FELLOWS.

RULES

OF THE

HOUSE OF REPRESENTATIVES

OF

Dakota Territory.

SEVENTEENTH SESSION.

1. The Speaker shall take the chair at the time to which the House stands adjourned, and the House shall then be called to order, and the roll of the members called, and the names of the absentees shall be entered upon the Journal of the House.

2. Upon the appearance of a quorum, the Journal of the preceding day shall be read by the Clerk, and any mistakes therein shall be corrected by the House.

3. Any five members of the House may order a call of the House and cause absent members to be sent for, but a call must not be made after the voting has commenced. A call being moved, the Speaker shall require those desiring the call to rise, and if five or more members shall rise, the call shall be ordered. The call being ordered, the Ser-

geant-at-Arms shall close the door, and no member shall be allowed to leave the room. The Clerk shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall then proceed forthwith to find and bring in such absentees, While the House is under call, no business shall be transacted except to receive and act upon the report of the Sergeant-at-Arms; and no motion shall be in order except a motion to suspend further proceedings under the call, and said motion shall not be adopted unless a majority of all the members-elect vote in favor thereof. Upon the report of the Sergeant-at-Arms, showing that all the members who were absent without leave, naming them, are present, the call shall be at an end, and the doors shall be opened, and the business or motion pending at the time the call was made shall be proceeded with.

4. The Speaker shall preserve order and decorum, and shall decide questions of order subject to an appeal to the House.

5. The Speaker shall vote on all questions taken by ayes and nays (except on appeals from his own decision) and in all elections or divisions called for by any member.

6. When the House adjourns the members shall keep their seats until the Speaker announces the adjournment.

7. Every member, previous to his speaking, shall rise from his seat and respectfully address the speaker, and remain standing in his place, before proceeding to speak, until he is recognized by the Chair.

8. When two or more members rise at once, the Speaker shall designate the member who is first to speak; but in all cases the member who shall first rise and address the Chair shall speak first.

9. No member shall speak more than twice on the same subject, without leave of the House, nor more than once until every member choosing to speak on the subject pending shall have spoken.

10. No motion shall be debated or put unless the same be seconded; it shall be stated by the Speaker, before debate, and any such motion shall be reduced to writing, if the Speaker or any member desire it.

11. After a motion shall be stated by the Speaker, it shall be deemed to be in possession of the House, but may be withdrawn at any time, be for amendment or decision, but all motions, resolutions or amendments shall be entered on the Journal, whether rejected or adopted.

12. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

13. A motion to adjourn shall always be in order, except when a member is addressing the Chair, or a vote is being taken; that, and the motion to lay upon the table, shall be decided without debate.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the House to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

16. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion, or after the House shall have determined that the main question shall be now put, shall be decided whether on appeal or otherwise, without debate.

17. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker or by a member in his place.

18. Every member shall be present before the vote is declared from the Chair, and no other, shall vote for or against the same unless the House shall excuse him, or unless he is immediately interested on the question, in which case he shall not vote.

19. When the Speaker is putting the question, no member shall walk out or across the House; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the Chair.

20. If the question in debate contains several points, any member may have the same divided.

21. A member called to order shall immediately sit down, unless permitted to explain, and the House, if appealed to, shall decide the case. If there be no appeal, the decision of the Chair shall be submitted to. On an appeal no member shall speak more than once, without leave of the House, but each member may speak once, except when a member is called to order for offensive language, in which case there shall be no debate.

22. Every bill and joint resolution shall be introduced on the report of a committee, or on a call for bills and joint resolutions, or by a motion for leave.

23. Every bill, before being introduced, shall have endorsed thereon the title of the same; and every bill or resolution shall have thereon the name of the memher introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

24. All bills, memorials or joint resolutions shall be read the first time when introduced, for information, and if opposition be made to it, the question shall be: "Shall this bill be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go to its second reading without a question.

25. All bills, memorials or joint resolutions, on their second reading, shall be read at length, and the question taken upon their commitment, amendment or engrossment for a third reading.

26. All bills, memorials or joint resolutions, on their third reading, shall be read by their title, and no amendment shall be in order, except by unanimous consent of the House.

27. Every bill shall be read on three different days, unless, in case of urgency, two thirds of the house shall deem it expedient to dispense with this rule, and no bill shall be passed unless it shall have been read once at length.

28. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; no bill or resolution shall at any time be amended by annexing thereto, or incorporating therewith any other bill or resolution pending before the House.

29. In forming a committee of the whole House, the Speaker shall appoint a chairman to preside.

30. Bills committed to the committee of the whole House, shall by the committee of the whole thereon be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered; all amendments shall be noted in writing and reported to the House by the chairman.

31. All questions, whether in committee or in the House, shall be put in the order they are moved, except in cases of privileged questions, and in filling up blanks the largest sum and the longest time shall be first put.

32. A similar mode of proceeding shall be observed with bills which have originated in and passed the Council as with bills originating in the House, except that they shall not be printed.

33. No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be considered took place, nor unless one of the majority shall move a reconsideration.

34. When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the Clerk of the House shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

35. Any member who votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for a reconsideration shall be decided by a majority of votes.

36. The Rules of the House shall be observed in committee of the whole House, so far as may be applicable, except that the ayes and nays shall not be called, the previous question enforced, nor the time of speaking limited.

37. A motion that the committee rise shall always be in order and shall be decided without debate.

38. Standing committees shall be appointed on the following subjects:

1. Judiciary.
2. Education.
3. Ways and Means.
4. Appropriations.
5. Counties.
6. Towns and Cities.
7. Public Printing.
8. Engrossed and Enrolled Bills.
9. Territorial Affairs.
10. Agriculture.
11. Insurance.
12. Banking.
13. Mines and Mining.
14. Railroads.
15. Charitable Institutions.
16. Penal Institutions.
17. Highways, Bridges and Ferries.
18. Immigration.
19. Election and Privileges.
20. Indian Affairs.
21. Manufactures.
22. Public Lands.
23. Public Health.
24. Warehouses, Grain Grading and Dealing.
25. Military Affairs.
26. Federal Relations.
27. Public Buildings.
28. Rules.
29. Temperance.

N. C. STATE LIBRARY.

The Committees on Railroads, Charitable Institutions, Appropriations, Penal Institutions, shall consist of thirteen (13) members; Judiciary, Agriculture, Public Buildings, shall consist of nine (9) members: each of the other committees shall consist of seven (7) members.

39. The first named member of each committee shall be the Chairman: and in his absence, or being excused by the House, the next named member, and so on as often as the case shall happen, shall act as Chairman.

40. The Committee on Engrossment shall examine all

bills after they are engrossed, and report the same to the House correctly engrossed, before their third reading; said committee may report at any time.

41. The Committee on Enrollment shall examine all House bills and joint resolutions which have passed the two houses, and when reported correctly enrolled they shall be presented to the presiding officers of the House and Council for their signatures, and when so signed, to the Governor for his approval. Said committee may report at any time.

42. Select committees to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the House.

43. In all cases where a bill, order or resolution, or motion shall be entered upon the Journal of the House, the name of the member moving the same shall be entered on the Journal.

44. No persons shall be admitted within the bar of the House but the Executive, members of the Council, Territorial officers, Judges of the Supreme Court, members of Congress, ex-members of Congress and of the Legislative Assembly, ex-Governors of the territory, and all Federal officials of the Territory and reporters, provided this shall not apply to ladies, except by vote of the House.

45. The Speaker shall cause the Clerk of the House to make a list of all bills, resolutions, reports of committees and other proceedings of the House which are committed to a committee of the whole House, and which are not made the order of the day for any particular day, and to number the same, which list shall be called "The general order of the day;" and they shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the House, and the Clerk shall also keep a book showing the situation and progress of bills.

46. After calling the House to order, the order of business for the day shall be as follows:

1. Prayer by the Chaplain.
2. Calling the roll.
3. Reading the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. Reports of Select Committees.

7. Motions and Resolutions.
8. Notices of Bills.
9. Introduction of Bills, Joint Resolutions and Memorials.
10. Consideration of Messages from the Council.
11. First Reading of Council Bills, Joint Resolutions and Memorials.
12. Second Reading Council Bills, Joint Resolutions and Memorials.
13. Third Reading of the Same.
14. First Reading of House Bills, Joint Resolutions and Memorials.
15. Second Reading of the Same.
16. Third Reading of the Same.
17. Consideration of General Orders.
18. Unfinished Business.

47. Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided, and the question of concurrence taken separately upon each modification or amendment.

48. When the House has arrived at the general orders of the day, they shall go into committee of the whole upon such orders, or a particular order designated by a vote of the House, and no other business shall be in order until the whole are considered or passed, or the committee rise; and unless a particular bill is ordered up, the committee of the whole shall consider, act upon, or pass the general order, according to the order of their reference.

49. The speaker may leave the chair, appoint a member to preside, but not for a longer time than one day, except by leave of the House.

50. The rules of parliamentary practice adopted by the House of Representatives of the United States shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules and orders of the Council and House of Representatives.

51. No rule of the House shall be suspended, altered or amended without the concurrence of two-thirds of the members present.

52. The hour of the daily meeting of the House shall be 11 o'clock in the morning, until the House directs otherwise.

53. The ayes and nays shall not be ordered unless demanded by two members, except upon the final passage of bills, joint resolutions and memorials, in which case the ayes and nays shall be had without any demand.

54. All House bills of a general nature shall, on their first reading, be printed without a special order of the House, except bills that are rejected,

55. In case all the members of any committee are required or entitled to report on any subject referred to them cannot agree upon any report, the majority and minority may each make a special report; and any member dissenting in whole or in part from the reasoning and conclusions of both majority and minority, may also present to the House a statement of his reasonings and conclusions; and all reports, if decorous in language and respectful to the House, shall be entered at length on the Journal.

MOTIONS AND RESOLUTIONS.

Mr. Stewart, of Fall River, introduced the following Joint Resolution,

For procuring daily and weekly newspaper for the members of the House of Representatives:

Be it Resolved, By the House of Representatives the Council concurring, that the chief clerk of the House be and is hereby instructed to procure six daily, or their equivalent in weekly newspapers, for each member, for the use of members of the House of Representatives,

And moved
To suspend the rules
That the Resolution be read the second and third time
And placed upon its final passage.

Mr. Hawk moved
To amend by substituting the word "ten" for "six"
Which motion was lost and
The original motion prevailed.

The roll being called there were ayes 41; nays 5; not voting, 2.

Those who voted in the affirmative were—

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Flecther, Gilbert, Glendenning. Greene, Harkins, Hobart. Hubbard, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were—

Messrs. Hawk, Jones, Mallory, Sullivan, Williams of Grant.

Absent and not voting—

Mr. Williams of Burleigh.

Mr. Royer being excused.

And so the Joint Resolution was passed and its title agreed to.

Mr. Stewart of Fall River moved

To suspend the rules and

That Council Bill No. 12

Be read the second and third times and placed on its final passage.

Which motion prevailed.

The roll being called there were ayes, 47; nays, 0; not voting, 1.

Those who voted in the affirmative were—

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Mr. Royer being excused.

And so the Joint Resolution was adopted.

On motion,

The privileges of the floor for the session were extended to Mr. H. Loucks, the President of the Territorial Farmer's Alliance.

INTRODUCTION OF BILLS.

Mr. Burnham introduced—

House Bill No. 6. An act to appropriate for the support of fire departments of each city, town or village, or other municipal corporations, a part of the tax paid by fire insurance companies upon premiums received by them in any such town, village or city.

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 7. An act to amend sections 29 and 31, of sub-chapter 2, of chapter 112, of the Session Laws of 1883.

Which was read the first time.

Mr. Dodds introduced—

House Bill, No. 8. An act to amend section 2, of chapter 32, of the Session Laws of 1885,

Which was read the first time.

Mr. Dodds introduced—

House Bill, No. 9. An act affecting the giving of mortgages upon ungrown crops,

Which was read the first time.

Mr. Williams of Burleigh introduced—

House Bill, No. 10. An act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota,

Which was read the first time.

Mr. Hawk introduced—

House Bill No. 11. An act to regulate the salary of County Treasurers,

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 12. An act to amend section 54 of chapter 28 of the Political Code, and section 4 of chapter 49 of the Session Laws of 1879, entitled Revenue,

Which was read the first time.

Mr. Adams introduced—

House Bill No. 13. An act to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and

To provide for terms of court therein,

Which was read the first time.

Mr. Fellows introduced—

House Bill No. 14. An act to fix salary of Probate Judge,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 15. An act to amend chapter 78 of the General Laws of 1885,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 16. An act to repeal chapter 84 of the General Laws of 1885,

Which was read the first time.

Mr. Sprague introduced—

House Bill No. 17. An act to amend section 328 of the Code of Civil Procedure,

Which was read the first time.

COMMUNICATION FROM THE SECRETARY.

The following communication was received from the Secretary:

To the Speaker of the House of Representatives:

SIR: In response to the resolution passed by the House of Representatives, that I report the number of Codes and Session Laws on hand, I have the honor to submit the following:

Codes of 1877, 14 volumes.
Session Laws 1879, 70 volumes.
Session Laws 1881, 98 volumes, half bound.
Session Laws 1881, 7 volumes, pamphlet.
Session Laws 1883, none.
Session Laws 1885, none.

Very Respectfully,
M. L. MCCORMACK,
Secretary of Dakota Territory.

Mr. Mallory, by unanimous consent, introduced—

A Memorial to the Dakota Legislature.

To the Council and House of Representatives of the Territory of Dakota:

GENTLEMEN: The Synod of the Presbyterian Church of Dakota, in session at Aberdeen, October 16, 1886, respectfully memoralize your honorable bodies to enact a law requiring the contracting parties in cases of contemplated marriages to procure a license from some proper authority to be designated by law, and further, requiring that all marriages shall be duly recorded by the Clerk of the District Court, in the records of the county in which the marriage ceremony is performed.

Respectfully submitted,

(Signed)

THOMAS MCMUCH,
R. H. HAWK,
COE I. CRAWFORD,
Committee.

SECOND READING OF HOUSE BILLS.

House Bill No. 1. An act to provide for the appointment and to prescribe the duties of a public examiner for the Territory of Dakota,

Was read the second time, and

Referred to the Commmittee on Judiciary.

House Bill No. 2. An act to amend an act to provide for the establishment of a Board of Railroad Commissioners,

Was read the second time, and

Referred to the Committee on Railroads.

House Bill No. 3. An act to extend the time when taxes of 1886 become delinquent,

Was read the second time, and

Referred to the Committee on Judiciary.

Mr. Miltimore moved

To suspend the rules, that

House Bill No. 3,

A bill to extend the time when the taxes of 1886 became delinquent,

Be read the third time and placed on its final passage.

Mr. Burnham moved

To amend by striking out the words "taxes of all kinds" and inserting in lieu thereof the words "real estate taxes,"

Which amendment was lost.

Mr. Burnham moved

A suspension of the rules, that

The bill be read a third time and placed on its final passage.

Yeas and nays demanded.

The roll being called, there were ayes, 31; nays, 16; not voting, 1.

Those who voted in the affirmative were—

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Elliott Ely, Fellows, Fletcher, Greene, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Morris, Ruggles, Schnaidt, Shook, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those voting in the negative were—

Messrs. Aikens, Dodds, Dutch, Ensign, Gilbert, Glendenning, Hobart, Mallory, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Sprague, Stewart of Fall River, Stewart of Walsh. Sullivan.

Mr. Royer being excused.

And so the motion to suspend the rules was lost.

House Bill No. 4. An act to amend section 13, chapter 9, General Laws of 1885.

Was read the second time and referred to the Committee on Public Buildings.

Joint Resolution No. 5. Authorizing the Secretary of the Territory th purchase 72 copies of the second edition of Levisees' Code.

Was read the second time, and

On motion of Mr. Williams of Burleigh,

The rules were suspended,

The joint resolution read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, 14; not voting, 1.

Those who voted in the affirmative were—

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Fellows. Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Moore, Morris, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were—

Burnham, Dodds, Gilbert, Hawk, Jones, McDonell, Miltimore, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Terrill, White, Williams of Grant, Wolzmuth.

Mr. Royer being excused.

And so the joint resolution was adopted.

Messrs. Elliott and McDonnell were granted a leave of absence until Tuesday next at 3 o'clock p. m.

The speaker announced the appointment of James Gleason as janitor of the House from January 12, 1887.

Mr. Williams of Burleigh moved,

That when the House adjourn, it

Adjourn to meet on Saturday at 2 o'clock p. m.,

Which motion prevailed, and thereupon

The House adjourned.

W. G. EAKINS, Clerk.

FIFTH DAY.

BISMARCK, January 15, 1887.

The House assembled at 2 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called,

All members present except
Mr. McDonell, excused.

Mr. Williams of Burleigh, moved
That the reading of rules as printed in the Journal be dispensed with,
Which motion prevailed.

Minutes of the previous meeting were read, corrected and approved.

Mr. Burnham moved
To take the report of the Committee on Rules from the table,
Which motion prevailed.

Mr. Adams moved
That the House resolve itself into a commitee of the whole to consider the report of the committee on rules,
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER, January 15, 1887.

MR. SPEAKER:
I have the honor to inform the House of Representatives that the Council has refused to concur in
House Resolution for the furnishing of six daily or their equivalent in weekly newspapers for each member for the use of the members of the House of Representatives.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

The House then resolved itself into a committee of the whole, with

Mr. Adams in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE.

BISMARCK, D. T., Jan. 15, 1887.

MR. SPEAKER:

I have the honor to announce that the House has been sitting as a committee of the whole, and has had under consideration the report of the committee appointed to prepare and submit rules for the government of the House, and the Committee recommends the passage of the report of the committee on Rules, with the following amendments, viz: To strike out from line second of rule 5 the words, "Of his own decision," and substitute in lieu thereof the words "From his own decision."

Also,

To strike out from line four of rule 21 the comma after the word "to," and substitute in lieu thereof a period.

Also,

To strike out in the last line of rule 27 the word "in," and substitute in lieu thereof the word "at."

Also,

To amend rule 38 so that it shall read as follows after the word "temperance":

The committees on railroad, charitable institutions, appropriations, penal institutions, judiciary and public buildings shall consist of nine (9) members; each of the other committees shall consist of seven (7) members.

Also,

To strike out the semicolon in line 6 of rule 41 after the word "approval" and substituting in lieu thereof a period.

Also,

To substitute for rule 44 the following:

44. No persons shall be admitted within the bar of the House but the Executive, members of the Council, Territorial officers, Judges of the Supreme Court, members of Congress, ex-members of Congress and of the Legislative Assembly, ex-Governors of the territory, all Federal officials of the Territory and reporters of newspapers, except by the vote of the House, providing this shall not apply to ladies.

Also,

To strike out from line 3 of rule 45 the word "committees" and substitute in lieu thereof the word "committed."

Also, order of business, No. 12 to read "Second reading Council bills, joint resolutions and memorials."

No. 13. Third reading of Council bills, joint resolutions and memorials.

No. 14. As printed to be omitted, and 14 to be "Second reading of house bills, joint resolutions and memorials."

No. 15. Third reading of house bills, joint resolutions and memorials.

No. 16. Consideration of general orders.

No. 17. Unfinished business.

Also,

To strike out from line 2, of Rule 52, the word "eleven," and substitute in lieu thereof the word "two" o'clock p. m.

Very Respectfully,
FRED'K H. ADAMS,
Chairman.

MESSAGES FROM THE COUNCIL:

BISMARCK, D. T., January 15, 1887.

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has appointed Messrs. Washabaugh and Hughes as members on the part of the Council of a joint committee on joint rules, which is to consist of five members, three being from the House. Your concurrence is respectfully asked.

T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart of Fall River moved

That the House concur in the action of the Council, and the speaker be authorized to appoint a committee of three.

Which motion prevailed, and thereupon

The speaker appointed as such committee Messrs. Williams of Burleigh, Gilbert and Burnham.

BISMARCK, Jan. 15, 1887.

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has appointed Messrs. Sheldon of Day, McCumber and Wells as members of a committee to confer with a like committee of the House, for the purpose of determining what arrangement may be made toward providing transportation without personal expense for his excellency, the governor of Dakota, the chiefs of the several departments, and the members and officers of both Houses of the Legislature between the capitol building and their present places of abode during the present session of the General Assembly. Your concurrence in this action is respectfully asked.

T. A. KINGSBURY,
Chief Clerk.

Mr. Dodds moved

To concur in the action of the Council, and

That the speaker be authorized to appoint a committee of three to confer with the council committee,

Which motion prevailed, and thereupon

The speaker appointed Messrs. Ward, Hubbard and Cooper as such committee.

Mr. Dodds moved

That the report of the committee of the whole be adopted,

Which motion prevailed.

Mr. Burnham moved

That a committee consisting of Messrs. Patton of Lawrence, Dodds and Miltimore, be appointed to prepare a bill to extend the time that penalties shall attach for non-payment of taxes of 1886 from February 1st to June 1st, 1887, and

Report the same to the House,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Sprague introduced—

House Memorial No. 18. For the establishment of a Territorial experimental station,

Which was read the first time.

Mr. Sprague introduced—

House Bill No. 19. A bill for an act to establish an agricultural experimental station,

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 20. A bill for an act regulating marriages and the solemnization thereof.

Which was read the first time.

Mr. Aikens introduced—

House Bill, No. 21. A bill for an act to amend section 121, Code of Civil Procedure.

Which was read the first time.

Mr. Dodds introduced—

House Bill, No. 22. A bill for an act to repeal section 5, of an act entitled an act to authorize authorizing the county commissioners of Nelson county to fund the outstanding indebtedness thereof. Approved March 13, 1885.

Which was read the first time.

Mr. Fletcher introduced—

House Bill, No. 23. A bill for an act to amend section 1, of an act entitled an act to prevent the spread of noxious weeds in Dakota Territory.

Which was read the first time.

Mr. Fletcher introduced—

House Bill, No. 24. A bill for an act to amend section 4, chapter 60, of the General Laws of 1881.

Which was read the first time.

Mr. Greene introduced—

House Bill, No. 25. A bill for an act to legalize the assessment of taxes heretofore made and wherein there was a failure to make the proper warrant authorizing the county treasurer to collect.

Which was read the first time.

Mr. Glendenning introduced—

House Bill, No. 26. A bill for an act to amend section 1, chapter 26, General Laws of 1879.

Which was read the first time.

Mr. Mallory introduced—

House Bill, No. 27. A bill for an act to allow county commissioners to extend the time when taxes of 1886 shall become delinquent.

Which was read the first time.

Mr. Sprague introduced—

The following petitions, each numerously signed:

To the Council and House of Representatives of the Territory of Dakota:

The undersigned, resident farmers of the Territory of Dakota, respectfully petition your honorable body for a legislative enactment affording patrons of railroads and shippers of grain thereon a drive-way over the railroad company's land, at or near stations or side tracks, convenient for loading and unloading of grain to and from cars; and providing a method whereby such drive-ways and platform sites can be secured by compulsory process, in cases where the railroad companies refuse to grant the same.

By granting the prayer of your petitioners, they will ever pray, etc.

To the Council and House of Representatives of the Territory of Dakota:

The undersigned, citizens and residents of said Territory, respectfully petition your honorable body for an amendment to the Statutes of this Territory relating to school townships, so that the school township treasurer shall not constitute one of the members of the school board, and limiting his official functions to the safe keeping, paying out and accounting of funds received as such treasurer.

To the Honorable, the Legislative Assembly of the Territory of Dakota;

The undersigned, citizens of the Territory of Dakota, and legal voters thereof, respectfully petition your honorable body for the passage of an act of Assembly amending section 1100 of the civil code of this territory to read, "shall forfeit the principal and all the interest so taken, received, retained, or contracted for;" and authorizing the person paying a greater rate of interest than 12 per cent. to recover the whole interest paid from the person taking it.

Also.

For an amendment to section 427 of the penal code relating to usury, making the character of the offense a felony instead of a misdemeanor as therein prescribed.

By granting the prayer of your petitioners, they will ever pray. etc.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned, residents of the Territory of Dakota. respectfully petition your honorable body to pass an act of Assembly creating a note given for seed a lien upon all growing crops for the seed furnished to the owner for each particular crop, such lien to be prior to all other claims upon or against the grain grown and produced from such seed.

Also,

That all chattel mortgage foreclosures by advertisement be made by publication of notice of sale in a newspaper of general circulation published in or nearest to the township wherein the sale is to be made.

By granting the prayer of your petitioners they will ever pray, etc.

To the Honorable, the Council and House of Representatives of the Legislative Assembly of Dakota:

The undersigned residents of the Territory of Dakota respectfully petition your honorable body for a legislative enactment definitely fixing the salaries of county officers, and especially county treasurer, auditor, county superintendent of schools, and district attorney; and limiting the retention of legal fees authorized by law to an amount sufficient, in your wisdom, to constitute a reasonable compensation for official services pertaining to their several offices, and directing that all additional fees shall be strictly accounted for by each of said offiers incumbent, and by them turned over to their respective county treasury as a part of the general county fund.

SECOND READING OF HOUSE BILLS.

House Bill No. 6, A bill for an act to appropriate for the support of fire departments of each city, town, village or other municipal corporation, a part of the taxes paid by fire insurance companies upon premiums received by them in any such town, village or city,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 7. A bill for an act to amend sections 29 and 31, of sub-chapter 2, of chapter 112, of the Session Laws of 1883.

Was read the second time and

Referred to the Judiciary Committee.

House Bill, No. 8. A bill for an act to amend section 2, of chapter 32, of the Session Laws of 1885,

Was read the second time and

Referred to the Judiciary Committee.

House Bill, No. 9. A bill for an act affecting the giving of mortgages upon ungrown crops,

Was read the second time and
Referred to the Judiciary Committee.

House Bill, No. 10. A bill for an act to regulate the practice of Pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota,
Was read the second time and
Referred to the Committee on Public Health.

House Bill No. 11. A bill for an act to regulate the salary of county treasurer,
Was read the second time and
Referred to Committee on Ways and Means.

House Bill No. 12. A bill for an act to amend section 54 of chapter 28 of the Political Code, and section 4 of chapter 49 of the Session Laws of 1879, entitled Revenue,
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 13. A bill for an act to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and

To provide for terms of court therein,
Was read the second time and
Referred to the Judiciary Committee.

House Bill No. 14. A bill for an act to fix salary of probate judge,
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 15. A bill for an act to amend chapter 78 of the General Laws of 1885,
Was read the second time and
Referred to the Judiciary Committee.

House Bill No. 16. A bill for an act to repeal chapter 84 of the General Laws of 1885,
Was read the second time and
Referred to the Judiciary Committee.

House Bill No. 17. A bill for an act to amend section 328 of the Code of Civil Procedure,
Was read the second time and
Referred to the Judiciary Committee.

Mr. Williams of Burleigh moved
To suspend the rules and

That House bills be read the second time by their titles and referred to the appropriate committees,

Which motion prevailed.

STANDING COMMITTEES.

The speaker named the following as the standing committees of the House:

JUDICIARY—Aikens, of Lincoln; Pruitt, of Potter; Williams, of Burleigh; Burnham, of Cass; Harkins, of Deuel; Royer, of Jerauld; Patten, of Miner; Adams, of Griggs; Schnaidt, of Hutchinson.

EDUCATION—Royer, of Jerauld; Ensign of Ramsey; Sprague, of Steele; Gilbert, of Minnehaha; Terrill, of McCook; Hubbard, of Clark; Jones, of Charles Mix.

WAYS AND MEANS—Hobart, of Moody; Ward, of Turner; Dodds, of Nelson; Stewart, of Walsh; Moore, of Sully; Schnaidt, of Hutchinson; Dutch, of Faulk.

APPROPRIATIONS—Fletcher, of Brown; White, of Clay; Patton, of Lawrence; Gilbert, of Minnehaha; Williams, of Burleigh; Patten, of Miner; Fellows, of Grand Forks.

COUNTIES—Moore, of Sully; Patton, of Lawrence; Dodds, of Nelson; Shook, of Benson; Ruggles, of Edmunds; Morris, of Hutchinson; Sullivan, of Aurora.

TOWNSHIPS AND CITIES—Terrill, of McCook; Bidlake, of Cavalier; Harkins, of Deuel; Mentzer, of Davison; Schnaidt, of Hutchinson; Hobart, of Moody; Fellows, of Grand Forks.

PUBLIC PRINTING—Wolzmuth, of Lawrence; Adams, of Griggs; Williams, of Burleigh; Ely, of Bottineau; Wise, of Sanborn; Ruggles, of Edmunds; Dodds, of Nelson.

ENGROSSED AND ENROLLED BILLS—Pruitt, of Potter; Williams, of Grant; Miltimore, of Hanson; Greene, of Morton; Sprague, of Steele; Ruggles, of Edmunds; Stewart, of Fall River.

TERRITORIAL AFFAIRS—Stewart, of Walsh; Moore, of Sully; Hubbard, of Clark; Williams, of Grant; Ely, of Bottineau; Terrill, of McCook; Sprague, of Steele.

AGRICULTURE—White, of Clay; Burnham, of Cass; Morris, of Hutchinson; Hubbard, of Clark; Dutch, of Faulk; Glendenning, of Kingsbury; Mallory, of Dickey.

INSURANCE—Ward, of Turner; Royer, of Jerauld; Ely, of

Bottineau; Hubbard, of Clark; Cooper, of Codington; Cook, of Sargent; Hawk, of Cass.

BANKING—Patten, of Miner; Berry, of Clark; Gilbert, of Minnehaha; Hobart, of Moody; Pruitt, of Potter; Morris, of Hutchinson; Wyman, of Grand Forks.

MINES AND MINING—Patton, of Lawrence; Fletcher, of Brown; Wise, of Sanborn; McDonell, of Barnes; Mallory, of Dickey; Cooper, of Codington; Ely, of Bottineau.

RAILROADS—Stewart, of Fall River; Cooper, of Codington; Hobart, of Moody; Elliott, of Ransom; Royer, of Jerauld; White, of Clay; Greene, of Morton; Hawk, of Cass; Berry, of Clark.

CHARITABLE INSTITUTIONS—Dutch, of Faulk; Wyman, of Grand Forks; Aikens, of Lincoln; Wise, of Sanborn; Hawk, of Cass; Moore, of Sully; Wolzmuth, of Lawrence.

PENAL INSTITUTIONS—Burnham, of Cass; Stewart, of Walsh; Jones, of Charles Mix; Wise, of Sanborn, Sullivan, of Aurora; Bidlake, of Cavalier; Schnaidt, of Hutchinson.

HIGHWAYS AND BRIDGES—Glendenning, of Kingsbury; Miltimore, of Hanson, Mentzer of Davison; Patten, of Miner; Harkins, of Deuel; McDonell, of Barnes; Stewart, of Walsh.

IMMIGRATION—Williams, of Grant; Sullivan, of Aurora; Adams, of Griggs; Jones, of Charles Mix; Aikens, of Lincoln; Ruggles, of Edmunds; Morris, of Hutchinson.

ELECTIONS AND PRIVILEGES—Berry, of Clark; Elliott, of Ransom; Miltimore, of Hanson; Ensign, of Ramsey; Mentzer, of Davison; Gilbert, of Minnehaha; Hobart, of Moody.

INDIAN AFFAIRS—Jones, of Charles Mix; Stewart, of Walsh; Ruggles, of Edmunds; Hubbard, of Clark; Sullivan, of Aurora; Ely, of Bottineau; Sprague, of Steele.

MANUFACTURES—Fellows, of Grand Forks; Wolzmuth of Lawrence; Glendenning, of Kingsbury; Williams, of Grant; Fletcher, of Brown; Cook, of Sargent; Hawk, of Cass.

PUBLIC LANDS— Adams, of Griggs; Bidlake, of Cavalier; Berry, of Clark; Ensign, of Ramsey; Mallory, of Dickey; Wolzmouth, of Lawrence; Sprague, of Steele.

PUBLIC HEALTH—Ensign, of Ramsey; Royer, of Jerauld; Fletcher, of Brown; Stewart, of Fall River; Patten, of Miner; Greene, of Morton; Pruitt, of Potter.

WAREHOUSES, GRAIN GRADING AND DEALING—Cooper, of Codington; Dodds, of Nelson; White, of Clay; Terrill, of McCook; Dutch, of Faulk; Mallory, of Dickey; Elliott, of Ransom.

MILITARY AFFAIRS—Harkins, of Deuel; Stewart, of Walsh; Shook, of Benson; Elliott, of Ransom; Williams, of Grant; McDonell, of Barnes; Wolzmuth, of Lawrence.

FEDERAL RELATIONS—Shook, of Benson; Pruitt, of Potter; Aikens, of Lincoln; Fellows, of Grand Forks; Hobart, of Moody; Patten, of Miner; Glendinning, of Kingsbury.

PUBLIC BUILDINGS—Schnaidt, of Hutchinson; Wyman, of Grand Forks; Shook, of Benson; Hobart, of Moody; Jones, of Charles Mix; Miltimore, of Hanson; Cook, of Sargent.

RULES—Williams of Burleigh; Aikens, of Lincoln; Fellows, of Grand Forks; Burnham, of Cass; Dodds, of Nelson; Cooper, of Codington; Hobart, of Moody.

On motion,

The House adjourned.

W. G. EAKINS,
Clerk.

SEVENTH DAY.

BISMARCK, D. T., January 17, 1887.

The House assembled at 2 o'clock P. M., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except
Messrs. Elliott, Hawk and McDonell.

Journal of the preceding day read and approved.

Mr. Hawk excused for the day.

PETITIONS AND COMMUNICATIONS.

Mr. Ward presented the following petitions:

To the Honorable, the Council and House of Representatives of the Territory of Dakota:

The undersigned Board of County Commissioners of Turner county, would respectfully ask your honorable body to so amend the Road Law of the Territory that the Boards of County Commissioners of each county shall have power to levy a tax on the taxable property of each road district to pay any deficiency that may be found in the amount due the overseer for his services as such overseer.

JOSEPH ALLEN, Chairman;
ANDREW BERLITSER,
ALONZO W. BARON,
J. H. SHURTLEFF,
S. C. NELSON,
Board of County Commissioners.

Which was referred to the Committee on Highways.

To the Honorable, the Legislature of Dakota;

We, the undersigned residents and settlers of the counties of Edmunds, Walworth, McPherson, Campbell, McIntosh and Emmons, hereby petition your honorable body for four month's relief in the payment of our taxes, as our districts have been subject to a drouth so severe as to be unparalleled in the annals of Dakota. Hardly one among us succeeded in harvesting as much grain the last season as the seed we put into the ground. We therefore submit to the impartial justice of our legislators that they may deem wise and necessary to remit the date of delinquency of payment of taxes from the first of February to the first of June.

And your petitioners will ever pray.

Which was referred to the Committee on Ways and Means.

REPORTS OF SPECIAL COMMITTEES.

Mr. Dodds presented the following report:

MR. SPEAKER:

Your committee to whom was referred the drafting of a bill providing for the extension of the time when the taxes of 1886 shall become delinquent respectfully report the following bill:

JOHN D. PATTON.
D. S. DODDS.
C. I. MILTIMORE.
Committee.

Mr. Jones moved

That the vote taken upon the motion to adopt the report of the committee of the whole, which had under consideration the rules of the House, as submitted by the special committee appointed for that purpose, be now reconsidered.

Mr. Williams of Burleigh moved

A call of the House,

The call being seconded by eight members.

All members were present excepting Messrs. Elliott, McDonell and Hawk, excused by the House until Tuesday, January 18, 1887;

And

Mr. Ruggles.

The sergeant-at-arms was directed to bring in the absent member forthwith.

Mr. Stewart, of Fall River, moved

To dispense with further proceedings under the call.

The roll being called there were ayes, 6; nays, 38.

Those who voted in the affirmative were:

Messrs. Aikens, Cooper, Jones, Patton of Lawrence, Patton of Miner, Stewart, of Fall River.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs, Elliott, Hawk, McDonell, Ruggles.

So the motion to suspend proceedings under the call was lost.

Mr. Fletcher moved to dispense with further proceedings under the call.

The roll being called there were ayes, 18; nays, 26; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Harkins, Hubbard, Morris, Patton of Lawrence, Patten of

Miner, Pruitt, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Glendenning, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Absent and not voting:
Mr. Ruggles.

Messrs. Elliott, Hawk and McDonell being excused.

So the motion to dispense with proceedings under the call of the House was lost.

Mr. Pruitt moved
To adjourn,
Which motion was duly seconded.

The speaker then ruled the motion out of order.

Mr. Stewart, of Fall River, moved
That all further proceedings under call of the House be dispensed with.
Informal roll call ordered.

All present except Messrs. Elliott, Hawk, and McDonell being excused, and Mr. Ruggles absent.

The roll being called on motion to dispense with further proceedings under the call there were ayes, 22; nays, 22,

Those who voted in the affirmative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Absent and not voting:
Mr. Ruggles.

So the motion to dispense with proceedings under the call was lost.

Mr. Aikens moved

That further proceedings under the call be dispensed with.

Informal ballot ordered.

All members present except
Messrs. Elliott, Hawk and McDonell, excused, and
Mr. Ruggles absent.

The roll being called, there were ayes, 23; nays, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman:

So the motion to suspend further proceedings under the call was lost.

Mr. Aikens moved
To adjourn.

Mr. Speaker ruled the motion out of order.

Mr. Aikens appealed from the decision of the chair,
Mr. Fletcher seconding the motion.

Yeas and nays demanded.

The roll being called there were ayes, 22; nays, 21; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

Absent and not voting:
Mr. Ruggles and Mr. Speaker.

Messrs. Elliott, Hawk and McDonell being excused.

So the ruling of the chair was sustained.

Mr. Stewart of Fall River moved

That further proceedings under the call be dispensed with.

The roll being called, there were ayes, 23; nays, 21.

Those who voted in the affirmative were—

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Absent aud not voting:

Mr. Ruggles.

Messrs. Elliott, Hawk and McDonell being excused.

So the motion to dispense with proceedings under the call was lost.

Mr. Stewart of Fall River moved

To adjourn.

The Speaker ruled the motion out of order.

Mr. Stewart of Fall River appealed from the decision of the chair.

Yeas and nays were demanded.

The roll being called there were ayes, 21; nays, 22; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign,. Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

Mr. Speaker not voting.

Absent and not voting, Mr. Ruggles.

Messrs. Elliott, Hawk and McDonell being excused.

So the decision of the speaker was not sustained.

Mr. Aikens moved,
To adjourn.

Mr. Pruitt seconding the motion.

Yeas and nays demanded.

The roll being called there were ayes, 23: nays, 21; not voting, 4.

Those who voted in the affirmative were:
Messrs. Aikens,Cooper, Dutch, Flecther, Gilbert, Glendenning, Harkins, Hubbard, Moore, Morris, Patton of Lawrence, Patten, of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman,

Absent and not voting:
Mr. Ruggles.

Messrs. Elliott, Hawk and McDonell being excused.

So the motion to adjourn prevailed, and
The House adjourned.

W. G. EAKINS,
Chief Clerk.

EIGHTH DAY.

BISMARCK, Jan. 18, 1887.

The House assembled at 2 o'clock p. m., pursuant to adjournment,
The speaker presiding.

Prayer by the Chaplain.

Roll called.

All members present at roll call except Messrs. Elliott and McDonell, who were excused.

MOTIONS AND RESOLUTIONS.

Mr. Aikens introduced the following resolution:

Resolved: That the attorney general be requested to furnish this house, at his earliest convenience, his written opinion as to the application of the act of congress restricting special legislation to acts which have for their purpose the repeal or amendment of existing special laws or statutes,

And moved its adoption.

Which motion prevailed.

The speaker announced that he had signed

Council Bill No. 12. A joint resolution praying for the passage of the Dawes bill.

MESSAGES FROM THE COUNCIL.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 24. A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883.

Also,

Council Bill, No. 29. A bill for an act to authorize the oganization of societies for mutual protection against larcenies of live stock.

Also,

Council Bill, No. 32. A joint resolution providing for the publication of 500 copies of an act of the Congress of the United States, entitled an act to prohibit the passage of local or special laws in the Territories of the United States, to limit territorial indebtedness, and for other purposes.

Also,

Council Bill No. 22. A bill for an act extending the time in which taxes for the year 1886 shall become delinquent.

Also,

Council Bill No. 25. A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.

Also.

Council Bill, No. 27. A bill for an act amending section 610 of the Code of Civil Procedure.

Which have been passed by the Chuncil and to request your favorable consideration thereof.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—
House Bill, No. 28. A bill for an act providing for an extension of time for the payment of taxes of 1886.
Which was read the first time.

Mr. Gilbert introduced—
House Bill, No. 29. A bill for an act to amend section 27 and 43 of chapter 28 of the Political Code.
Which was read the first time.

Mr. Fletcher introduced—
House Bill No. 30. A bill for an act providing for the payment of services of the assistant clerks of the House,
Which was read the first time.

Mr. Patton of Lawrence, introduced—
House Bill No. 31. A bill for an act to repeal chapter 31 of the Session Laws of 1881, and to reinstate certain sections of the General Laws,
Which was read the first time.

Mr. Burnham introduced—
House Bill No. 32. A bill for an act to fill vacancies in the office of sheriff in any county,
Which was read the first time.

Mr. Dodds introduced—
House Bill No. 33. A bill for an act giving a lien for labor on grain and other crops,
Which was read the first time.

Mr. Greene introduced—
House Bill No. 34. A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,
Which was read the first time.

Mr. Shook introduced—
House Bill No. 35. A bill for an act for bounty for killing gophers and providing for the payment of the same,

Which was read the first time.

Mr. Dodds introduced—

Joint Resolution, No. 36. To have 2,500 copies of the Governor's message printed in the Scandinavian and German languages.

Which was read the first time.

Mr. Hawk introduced—

House Bill, No. 37. A bill for an act to amend article 11, chapter 3, title 2, part 3, division 2, of the Civil Code, entitled Insurance Corporations,

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Memorial No. 18. For the establishment of a Territorial experimental station,

Was read the second time, and

Referred to the Committee on Agriculture.

House Bill No. 19. A bill for an act to establish an agricultural experimental station,

Was read the second time, and

Referred to the Committee on Agriculture.

House Bill No. 20. A bill for an act regulating marriages and the solemnization thereof.

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill, No. 21. A bill for an act to amend section 121, Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill, No. 22. A bill for an act to repeal section 5, of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof, approved March 13, 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill, No. 23. A bill for an act to amend section 1, of an act entitled an act to prevent the spread of noxious weeds in Dakota Territory,

Was read the second time, and

Referred to the Committee on Ways and Means.

House Bill, No. 24. A bill for an act to amend section 4, chapter 60, of the General Laws of 1881,

Was read the second time, and
Referred to the Committee on Ways and Means.

House Bill, No. 25. A bill for an act to legalize the assessment of taxes heretofore made and wherein there was a failure to make the proper warrant authorizing the county treasurer to collect,

Was read the second time, and
Referred to the Committee on Judiciary.

House Bill, No. 26. A bill for an act to amend section 1, chapter 26, General Laws of 1879,
Was read the second time, and
Refered to the Committee on Temperance.

House Bill, No. 27. A bill for an act to allow county commissioners to extend the time when taxes of 1886 shall become delinquent,
Was read the second time, and
Referred to the Committee on Judiciary.

FIRST READING OF COUNCIL BILLS.

Council Bill, No. 24.
A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883,
Was read the first time.

Council Bill, No. 25,
A bill for an act to attach the counties Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes,
Was read the first time.

Council Bill No. 27. A bill for an act entitled an act amending section 610 of the Code of Civil Procedure,
Was read the first time.

Council Bill, No. 29. A bill for an act to authorize the organization of societies for mutual protection against larcenies of live stock,
Was read the first time.

Council Bill No. 32. A joint resolution providing for the publication of 500 copies of an act of the Congress of the United States, entitled, An act to prohibit the passage of local or special legislation in the Territories of the United States, to limit territorial indebtedness and for other purposes
Was read the first time.

Council Bill, No. 22. A bill for an act extending the time in which taxes levied for the year 1886 shall become delinquent,

Was read the first time.

Mr. Williams of Burleigh moved

That the consideration of the Governor's message, which was made the special order for to-day, be postponed and be made the special order for Thursday next at 3 o'clock p. m.,

Which motion prevailed.

Mr. Dodds moved—

That the House do now resolve itself into a Committee of the Whole to consider

House Bill No. 28,

Which motion prevailed, and

Mr. Stewart of Fall River, was called to the chair.

When the committee rose the chairman presented the following report:

BISMARCK, D. T., Jan. 18, 1887.

MR. SPEAKER:

The House in committee of the whole has had under consideration

House Bill No. 28. An act to fix the time when the taxes of 1886 shall become delinquent,

And recommend the passage of the bill.

A. S. STEWART.
Chairman.

Mr. Dodds moved

That the report of the committee of the whole be adopted.

Which motion prevailed.

Mr. Jones asked leave to withdraw his motion for a reconsideration of the vote by which the rules were adopted.

Objection being made,

Mr. Fletcher moved

That the motion to reconsider be laid on the table.

Yeas and nays demanded.

The roll being called there were ayes, 27; nays, 19; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williamf of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Ely, Ensign, Fellow, Greene, Hawk, Mallory, Mentzer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Absent and not voting:

Messrs. Elliott and McDonell being excused.

So the motion to lie on the table prevailed.

Mr. Stewart of Fall River asked to be relieved from the chairmanship of the Committee on Railroads.

Mr. Williams of Burleigh moved

That Mr. Stewart of Fall River be made chairman of the Railroad Committee.

Mr. Fletcher moved to adjourn.

Yeas and nays demanded.

Mr. Williams of Burleigh moved

A call of the House.

Mr. Aikens moved

That further proceedings under the call be dispensed with.

Yeas and nays demanded.

The roll being called there were ayes, 31; nays 15; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Ely, Ensign, Fellows, Greene, Hawk, Mentzer, Ruggles, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Messrs. Elliott and McDonell being excused.

So the motion to dispense with the proceedings under the call prevailed.

Mr. Fletcher moved to adjourn.

Ayes and nays demanded.

The roll being called there were ayes, 32; nays, 14; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Ely, Ensign, Fellows, Mentzer, Ruggles. Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh.

Messrs, Elliott, McDonell being excused.

And so the motion to adjourn prevailed and

The House adjourned.

W. G. EAKINS,
Chief Clerk.

NINTH DAY.

BISMARCK, D. T., January 19, 1887.

The House assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

Journal of the preceding day read and approved.

The speaker announced the following changes in committees:

INSURANCE—Royer as chairman in place of Ward, who resigns as chairman and retains second place on the committee.

RAILROADS—Hobart as chairman in place of Stewart of Fall River, who resigns the chairmanship and is second on the committee.

EDUCATION—Fletcher as chairman in place of Royer, resigned.

APPROPRIATIONS—Berry as chairman, Fletcher being second on committee; Jones in place of Patten of Miner, resigned; Wolzmuth added to committee.

WAYS AND MEANS—Stewart of Fall River as chairman in place of Hobart, resigned.

PENAL INSTITUTIONS—Mallory and Dutch, as additional members.

CHARITABLE INSTITUTIONS—Ely and Miltimore, as additional members.

Also,

Announced the following additional committee:

TEMPERANCE—Fletcher, Sprague, Harkins, Dodds, Patten of Miner, Mallory, Wise.

PETITIONS AND COMMUNICATIONS.

Mr. Greene presented the folowing petitions:

To the Legislative Assembly of the Territory of Dakota:

WHEREAS, During the year 1886 there has been in many portions of the Territory a total or partial failure of crops, whereby a majority of farmers in such localities of said Territory are reduced to very hard circumstances and have scarcely the means of necessary subsistence; and

WHEREAS, In consideration of the general stringency of money matters and the hardness of the times, our citizens, not only farmers, but business men and others, are in circumstances which make it very difficult, and in a great many instances, impossible to get the necessary money to pay their taxes before they become delinquent on the first day of February, 1887; and

WHEREAS, The necessity of compelling our citizens to pay their said taxes before said date, or in case of failure thereof the imposing of the penalty and interest provided by law will work extreme hardship to them; therefore,

Be it Resolved, That in the opinion of the board of county commissioners of the county of Morton, Territory of Dakota, it would be an act of justice and right, and a great relief to our citizens to extend the time when the taxes of the year 1886 shall become delinquent; therefore we hereby petition your honorable body, in behalf of the citizens of the county of Morton, that the time when taxes shall become delinquent shall be extended until the first day of June, 1887.

Resolved, That we recommend to the Legislative Assembly of the Territory of Dakota to effect the purpose herein prayed for, a bill in like form and substance as the act entitled an act extending the time in which taxes shall become delinquent for the year 1884, approved January 31, 1885.

For which your petitioners will ever pray.

ORVILLE BROWN,
Chairman.

Which was read and

Ordered referred after printing in the Journal to Committee on Ways and Means.

To the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: Your petitioners beg leave to respectfully represent to your honorable body that by an act of the Legislative Assembly of the Territory of Dakota entitled, an act to establish and define the boundaries of Morton county and for other purposes, approved February 8th, 1881, the western boundary of said county was established on the 102d meridian, west from Greenwich.

Your petitioners would further represent that said 102d meridian has never been established by survey of the land through said territory, and is wholly indeterminate and cannot be even approximately ascertained, and much confusion and difficulty has heretofore continually been experienced by Morton and Stark counties and the residents thereof in relation to said boundary, and even more difficulty is almost certain to be experienced in future over and throughout a large disputed territory in the probable neighborhood of said boundary in the matter of elections, assessment and collection of taxes, management of public schools and otherwise, unless some relief is granted.

We therefore respectfully ask for such legislation in the matter as will designate and locate such western boundary on some established range line of contiguous sections.

And your petitioners will ever pray.

ORVILLE BROWN,
Chairman.

Which was read and

Ordered referred after printing in Journal to Committee on Counties.

MOTIONS AND RESOLUTIONS.

Mr. Sprague moved

The passage of a joint resolution asking the removal of the saloon that is being run in the basement of the capitol building,

Which motion prevailed.

Mr. Moore offered the following resolution:

Resolved, First, that the Committee on Temperance be and they are hereby instructed to ascertain and report to this House whether an appartment or room in this building is occupied and used as a saloon, for the ordinary purposes of a saloon, to-wit: for the sale of intoxicating liquors by the drink or otherwise.

Second. That if said committee find that there is a saloon so kept in this building, that they be further instructed to report to this House the name or names of the person or persons so keeping said saloon, and by whose permission, and under what authority, such saloon is kept.

Third, That if such saloon is so kept, that said committee be further instructed to report to this House such action in that regard as they may deem necessary, by the Legislative Assembly of the Territory of Dakota, to do away with a business that is a standing insult to the temperance sentiment of the people of the Territory.

Which resolution was adopted, and

The speaker appointed Messrs. Moore, Dodds and Fletcher as such committee.

Mr. Fletcher moved

That House Bill No. 23, referred to the Committee on Ways and Means, be recalled therefrom and be referred to the Committee on Agriculture,

Which motion prevailed.

MESSAGES FROM THE COUNCIL:

The following message was received from the Council:

COUNCIL CHAMBER, January, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 9. A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Which bill has been passed by the Council, and your favorable consideration thereof is asked.

Very respecfully.
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Miltimore introduced—

House Bill No. 38. A bill for an act to provide for the publication of legislative acts,

Which was read the first time.

Also,

House Bill No. 39. A bill for an act to exempt honorably discharged soldiers from road poll tax,

Which was read the first time.

Mr. White introduced—

House Bill No. 40. A bill for an act authorizing county commissioners and town supervisors to offer bounties for killing black birds,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 41. A bill for an act to amend sections 15 and 16 of chapter 122 of the General Laws of 1881,

Which was read the first time.

Mr. Patton of Lawrence introduced—

House Bill No. 42. A bill for an act authorizing the division of counties and for other purposes,

Which was read the first time.

Mr. Aikens (by request) introduced—

House Bill No. 43. A bill for an act to amend an act entitled an act to create the office of district attorney, etc., being chapter 45 of the General Laws of 1885,

Which was read the first time.

Mr. Moore introduced—

House Bill No. 44. A bill for the repeal of chapter 122 of General Laws of 1881 in relation to the registration of voters,

Which was read the first time.

Mr. Bidlake introduced—

House Bill No. 45. A bill for act to amend section 62, chapter 28, of the Political Code and section 7, chapter 49, General Laws of 1879,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 46. A bill for an act to oblige county treasurers to register warrants without charge,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 47. A bill for an act to prevent drunkenness,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 48. A bill for an act to provide for local option in the sale of intoxicating liquors,

Which was read the first time.

Mr. Sprague introduced—

House Bill No. 49. A bill for an act to provide for the rate of interest on money and to define usury,

Which was read the first time.

SECOND READING OF HOUSE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

House Bill, No. 28. A bill for an act providing for an extension of time for the payment of taxes of 1886.

Was read the second time.

Mr. Sullivan moved the following amendment, and moved its adoption:

This act shall take effect and be in force in such counties only, the commissioners of which at some regular or special meeting, called for that purpose, shall deem it to the best interests of their respective counties and consent to the enforcement of the same.

The roll being called, there were ayes, 12; nays, 36.

Those who voted in the affirmative were:

Messrs. Fletcher, Hobart, Jones, Mallory, Moore, Patten of Miner, Pruitt, Ruggles, Stewart of Walsh, Sullivan, Terrill, Ward.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook,

Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

So the amendment to
House Bill No. 28
Was lost.

Mr. Fellows moved
That House Bill No 28 be recommitted to the Judiciary Committee with a recommendation that they report a bill general in its effect to apply to taxes of 1886 and all subsequent years.
Which motion was lost.

Mr. Dodds moved
That the rules be suspended, and
House Bill No. 28 be read the third time and placed on its final passage.
Which motion prevailed, and
The bill was read the third time.

The roll being called, there were ayes, 44; nays, 4.
Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Williams, of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Fellows, Mallory, Stewart of Walsh, Sullivan.

So the bill passed and
Its title was agreed to.

House Bill No. 29. A bill for an act to amend section 27 and 43 of chapter 28 of the Political Code,
Was read the second time, and
Referred to the Committee on Judiciary.

House Bill No. 30. A bill for an act providing for the payment of services of the assistant clerks of the House,
Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 31. A bill for an act to repeal chapter 31 of the General Laws of 1881, and to reinstate certain sections of the General Laws,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 32. A bill for an act to fill vacancies in the office of sheriff of any county,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 33. A bill for an act giving a lien for labor on grain and other crops,
Was read the second time, and
Referred to the Committee on Judiciary.

House Bill No. 34. A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota, on order of the Governor and Territorial Board of Health,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 35. A bill for an act for bounty for killing gophers and providing for the payment of the same,
Was read the second time and
Referred to the Committee on Judiciary.

Joint Resolution, No. 36. To have 2,500 copies of the Governor's message printed in the Scandinavian and German languages,
Was read the second time, and
Referred to the Committee on Appropriations.

House Bill No. 37. A bill for an act to amend article 11, chapter 3, title 2, part 3, of the Civil Code, entitled Insurance Corporations,
Was read the second time, and
Referred to the Committee on Insurance.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 9,
A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 24,
A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 25,

A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes,
Was read the second time and
Referred to the Committee on Counties.

Council Bill No. 27,

A bill for an act entled an act amending section 610 of the Code of Civil Procedure,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 29,
A bill for an act to authorize the oganization of soieties for mutual protection against larcenies of live stock,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 32.
A joint resolution providing for the publication of 500 copies of an act of the Congress of the United States, entitled an act to prohibit the passage of local or special legislation in the Territories of the United States, to limit territorial indebtedness, and for other purposes,
Was read the second time.

Mr. Sullivan moved
To suspend the rules that
Council Bill No. 32, being a joint resolution to print 500 copies of the law of Congress relating to special legislation might be passed.

Which motion prevailed and
Council Bill No. 32
Was then read the third time and put upon its final passage.

The roll being called there were ayes, 45; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker,

Those who voted in the negative were:
Mr. Ensign in the affirmative.

Absent and not voting:
Messrs. Burnham, and Sprague.

So the bill passed and
Its title was agreed to.

Council Bill No. 22.

A bill for an act extending the time in which taxes levied for the year 1886 shall become delinquent.

Was read the second time and
Referred to the Committee on Judiciary.

UNFINISHED BUSINESS.

Mr. Williams of Burleigh moved
To suspend the rules and that the following concurrent resolution, introduced by Mr. Stewart of Fall River
Be read the second and third times and placed on its final passage,
Which motion prevailed.

Resolved, *By the House of Representatives of the Territory of Dakota, the Council Concurring;*

That the chief clerk of the Council and the House of Representatives are hereby authorized to procure for each member of the Council and the House of Representatives six copies of newspapers, either daily or weekly, as the members of the Council and the House of Representatives may dictate, to be furnished to them daily and weekly during this session of the Legislature.

The resolution was read the second and third times and placed on its final passage.

The roll being called there were ayes, 34: nays, 12; not voting, 2.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Flecther, Gilbert, Glendenning, Greene, Harkins, Hobart, McDonell, Moore, Mor-

ris, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Cook, Ensign, Hawk, Hubbard, Jones, Mallory, Mentzer, Miltimore, Patton of Lawrence, Schnaidt, Shook, White.

Absent and not voting:
Messrs. Sprague, Wolzmuth.

So the concurrent resolution was passed.

Mr. Elliott moved
To adjourn,
Which motion prevailed and
The House adjourned.

W. G. EAKINS,
Chief Clerk.

TENTH DAY.

BISMARCK, DAK., January 20, 1887.

The House assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

Mr. Jones excused by reason of illness.

Journal of the preceding day read and approved.

PETITIONS AND COMMUNICATIONS.

Mr. Bidlake presented the following resolution, which was read and ordered referred, after printing in the Journal, to the Committee on Warehouses, Grain Grading and Dealing:

To the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: We, the undersigned farmers and business men located in the vicinity of St. Thomas, D. T., do most respectfully petition you not to change the laws (or make any new law) regarding the regulation of elevators and buying and shipping of grain, except as below mentioned; as we apprecrate independent elevators, and do not wish to have them emcumbered in any way. All we ask in addition to the laws we already have, is a law to compel railroad companies to furnish cars within six days from the time they are demanded of the local railroad agent, and to furnish farmers and independent elevators an equal number of cars with all other elevators, regardless of their capacity, if said parties ordering cars will give or tender reasonable security that the cars ordered will be loaded within a reasonable time after they are properly delivered, as we do not wish to be compelled to deliver our wheat to any one elevator on account of its size or capacity

Mr. Stewart of Fall River introduced the following resolution:

Be it Resolved, By the House of Representatives of the Territory of Dakota, that the Legislative Hand Book and Directory, containing the rules adopted by the Legislative Assembly of the Territory of Dakota, as compiled by T. K. Long, be and the same is hereby adopted by this House.

Mr. Williams moved
The adoption of the resolution,
Which motion prevailed, and
The manuscript was referred to the Committee on Printing.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Greene introduced
Joint Resolution No. 50,
Protesting against the removal of Fort Abraham Lincoln,
Which was read the first time.

Mr. Glendenning introduced
House Bill No. 51,
A bill for an act to repeal section 680, to amend section 681 and to repeal section 682 of the Code of Civil Procedure, and to provide for damages done live stock by railroads,
Which was read the first time.

Mr. Royer introduced—
House Bill No. 52,

A bill for an act to encourage county agricultural societies,

Which was read the first time.

Mr. Williams of Burleigh introduced—

House Bill No. 53,

A bill for an act to provide for not less then five county commissioners in all organized counties having one thousand or more voters,

Which was read the first time.

Mr. Harkins introduced—

House Bill No. 54,

A bill for an an act to amend sections 6 and 11 of chapter 70 of the General Laws of 1885,

Which was read the first time.

Mr. Ensign introduced—

House Bill No. 55,

A bill for an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay the outstanding indebtedness and to provide payment of the principal and interest thereof.

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the Session Laws of 1883.

Which was read the first time.

Mr. Stewart of Fall River introduced—

House Bill No. 57,

A bill for an act providing for the establishing and building a soldiers' home and providing funds for the same

Which was read the first time.

Mr. Adams introduced—

House Bill No. 58,

A bill for an act to provide for the holding and conduct of elections,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 59,

A bill for an act establishing a Territorial university at Ordway, Dakota,

Which was read the first time.

Mr. Hawk introduced—
House Bill No. 60,
A bill for an act to provide for the assessment and taxation of the property of telegraph companies,
Which was read the first time.

Mr. Hawk introduced—
House Bill No. 61,
A bill for an act to enable cities and municipal corporations to lease and maintain systems or parts of systems of water works, telegraphic fire signals or fire apparatus,
Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 9,
A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,
Was read the second time and
Referred to the Committee on Educations.

SECOND READING OF HOUSE BILLS.

House Bill No. 38,
A bill for an act to provide for the publication of legislative acts,
Was read the second time and
Referred to the Committee on Printing.

Also,
House Bill No. 39,
A bill for an act to exempt honorably discharged soldiers from road poll tax,
Was read the second time and
Referred to the Committee on Highways.

Also,
House Bill No. 40,
A bill for an act authorizing county commissioners and town supervisors to offer bounties for killing black birds,
Was read the second time, and
Referred to the Committee on Ways and Means.

Also,
House Bill No. 41,
A bill for an act to amend sections 15 and 16 of chapter 122 of the General Laws of 1881,
Was read the second time and
Referred to the Committee on Judiciary.

Mr. Williams moved

That the consideration of the Governor's message be made the special order for Saturday next at 3 o'clock p. m.

Which motion prevailed.

MESSAGE FROM THE COUNCIL:

The following message was received from the Council:

COUNCIL CHAMBER,
January 20, 1887.

MR. SPEAKER:

I have the honor to report that the Council has concurred in concurrent resolution as follows:

Resolved, By the House of Representatives of the Territory of Dakota, the Council concurring, that the chief clerks of the Council and House of Representatives are hereby authorized to procure for each member of the Council and House of Representatives six copies of newspapers, either daily or weekly, as the members of the Council and the House of Representatives may dictate to be furnished them daily and weekly during this session of the Legislature,

With the following amendment:

That the selection of such papers shall be only from those in which the proceedings of the Legislature are published.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart of Fall River moved

To concur in the Council amendment,

Which motion prevailed.

The speaker made the following change in standing committees:

Fellows, on Judiciary, in place of Royer, resigned.

Mr. White moved

To adjourn.

Which motion prevailed and

The House adjourned.

W. G. EAKINS,
Chief Clerk.

ELEVENTH DAY.

BISMARCK, DAK., January 21, 1887.

The House assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Ward excused by reason of illness.

Journal of the preceding day read and approved.

MESSAGE FROM THE COUNCIL:

The following message was received from the Council:

COUNCIL CHAMBER,
January 21, 1887.

MR. SPEAKER:

I have the honor to transmit herewith Council Bill No. 33, the same having passed the Council, and ask your favorable consideration thereof.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Aikens moved

To suspend the rules, that

Council Bill No. 33,

A bill for an act authorizing the presiding officers of the respective Houses to appoint assistant clerks, and providing for their compensation,

Be read the second and third times and placed upon its final passage.

Bill read the second and third times, and

The roll being called there were ayes, 47; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker,

Mr. Ward being excused.

So the bill passed and

Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were presented and read to the House:

MR. SPEAKER:

The Judiciary Committee have had under consideration:

House Bill No. 13. A bill for an act to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and to provide for terms of court therein; and recommend the passage of the bill as introduced.

Also,

House Bill No. 16. A bill for an act to repeal chapter 84 of the General Laws of 1885, and recommend the passage of the bill.

Also,

House Bill No. 29. A bill for an act to amend sections 27 and 43 of chapter 28 of the Political Code, and recommend that the bill be amended by striking out sections 3 and 4 of the bill, and that the bill when so amended do pass.

Also,

Council Bill No. 27. A bill for an act entitled an act amending section 610 of the Code of Civil Procedure, and recommend that it do pass.

Very respecfully,
FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Insurance have had under consideration House Bill No. 37, a bill for an act to amend article 11, chapter 3, title 2, part 3, division 2 of the Civil Code, entitled insurance corporations. The committee recommend the passage of said bill.

D. F. ROYER,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Shook introduced—

House Bill No. 62,

A joint resolution providing for the opening of the Devil's Lake Indian reservation, and

Moved

That the rules be suspended and the resolution be read the second and third times, and placed on its final passage.

Which motion prevailed.

The resolution was read the second and third times and

The roll being called there were ayes, 41; nays, 2; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Wlash, Sullivan, Terrill, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper and Moore.

Absent and not voting:

Messrs. Fletcher, Patten of Miner, Sprague, Williams of Burleigh.

Mr. Ward being excused.

So the joint resolution was passed and

Its title agreed to.

INTRODUCTION OF BILLS.

Mr. Ely introduced—

Joint Resolution No. 63,

For the improvement of the Yellowstone National Park,

Which was read the first time.

Mr. Ruggles introduced—
House Bill No. 64.
A bill for an act to make it unlawful to leave open wells or excavations unprotected,
Which was read the first time.

Mr. Ensign introduced—
House Bill No. 65,
A bill for an act to amend section 7, chapter 21, of the Political Code,
Which was read the first time.

Mr. Sprague introduced—
House Bill No. 66,
A bill for an act to amend and re-enact section 2042 of the Civil Code,
Which was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 27,
A bill for an act entitled an act to amend section 610 of the Code of Civil Procedure,
Was read the third time and
The question then being shall the bill pass, and
The roll being called, there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt. Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Fletcher, Sprague, Williams, of Burleigh.
Mr. Ward being excused.

So the bill passed, and
The question being as to its title, and being put,
Its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January, 21, 1887.

MR. SPEAKER:

I have the honor to return herewith House Bill No. 28, a bill for an act providing for an extension of time for the payment of the taxes of 1886, which has been amended by striking out all of that portion of the bill after the enacting clause and inserting in lieu thereof the following:

SEC. 1. That the date in which all taxes levied in the year 1886 shall become delinquent and a penalty attach for non-payment, is hereby extended to the first day of June, 1887, at the end of which time the same proceedings shall be had as would regularly be taken under the present law.

SEC. 2. This act shall not apply to taxes to be paid by railroad and telegraph companies.

SEC. 3. This act shall take effect and be in force from and after its passage and approval,

And then passed by the Council.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart of Fall River moved

To suspend the rules, and that the House proceed to the consideration of messages from the Council,

Which motion prevailed, and

Also,

Moved to non-concur in the amendment to House Bill No. 28, and that the House appoint a Committee of Conference,

Which motion prevailed, and thereupon

The Speaker appointed Messrs. Dodds, Stewart of Fall River and Gilbert as such Conference Committee on the part of the House.

Mr. Adams, by unanimous consent, moved the adoption of the following resolution:

Resolved, That the consideration of House Bill No. 37, being a bill for an act to amend article 11, chapter 3, title 2, part 3, division 2, of the Civil Code, entitled "Insurance Corporations," reported favorably by the Committee on Insurance, be made a special order for Friday, January 28th, 1887.

Which motion prevailed.

Messrs. Burnham, Hawk and Adams were excused until Monday.

SECOND READING OF HOUSE BILLS.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 43,

A bill for an act to amend an act entitled an act to create the office of district attorney, etc., being chapter 45 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 44,

A bill for the repeal of chapter 122 of General Laws of 1881 in relation to the registration of voters,

Was read the second time, and

Referred to the Committee on Elections and Privileges.

House Bill No. 45,

A bill for an act to amend section 62, chapter 28, of the Political Code, and section 7, chapter 49, General Laws of 1879,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 46,

A bill for an act to oblige county treasurers to register warrants without charge,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 51,

A bill for an act to repeal section 680, to amend section 681 and to repeal section 682 of the Code of Civil Procedure, and to provide for damages done live stock by railroads,

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 52,

A bill for an act to encourage county agricultural societies,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 53,

A bill for an act to provide for not less then five county commissioners in all organized counties having one thousand or more voters,

Was read the second time, and

Referred to the Committee on Counties.

House Bill No. 54,

A bill for an an act to amend sections 6 and 11 of chapter 70 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 47,

A bill for an act to prevent drunkenness,

Was read the second time, and

Referred to the Committee on Temperance.

House Bill No. 48,

A bill for an act to provide for local option in the sale of intoxicating liquors,

Was read the second time, and

Referred to the Committee on Temperauce.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury,

Was read the second time and

Referred to the Committee on Judiciary.

Joint Resolution No. 50,

Protesting against the removal of Fort Abraham Lincoln,

Was read the second time and

Referred to the Committee on Federal Relations.

House Bill No. 55,

A bill for an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay the outstanding indebtedness and to provide payment of the principal and interest thereof.

Was read the second time, and

Referred to the Committee on Ways and Means.

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the Session Laws of 1883.

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 57,

A bill for an act providing for the establishing and building a soldiers' home and providing funds for the same

Was read the second time, and

Referred to the Committee on Military Affairs.

THIRD READING OF HOUSE BILLS.

House Bill 13,

A bill for an act to divide the fifth subdivision of the Sixth Judicial District into subdivisions, and to provide terms of court therein,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 39; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Ely, Ensign, Shook, White.

Messrs Burnham, Adams, Hawk and Ward, being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 16,

A bill for an act to repeal chapter 84 of the General Laws of 1885,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikins, Berry, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Cook, Cooper, Dodds, Gilbert, Greene, Stewart of Fall River.

Messrs. Adams, Hawk, Burnham and Ward being excused.

So the bill passed, and

Its title was agreed to,

Mr. Sprague moved

A suspension of the rules and that the House return to the sixth order of business,

Which motion prevailed, and

Thereupon the special committee appointed to investigate by what authority a saloon was run in the Capitol building presented the following report:

MR. SPEAKER:

Your committee who were appointed to ascertain whether or not any part of the building known as the Capitol building located in Bismarck, D. T., is at present occupied and used for the ordinary purposes of a saloon to-wit: for the sale of intoxicating liquors, by the drink or otherwise, respectfully report that they have performed the duty assigned them and find that there is an apartment in the basement of said Capitol building occupied and used for said purpose and that the name of the party occupying and using said apartment for said purpose, so far as we can ascertain, is one George Reed, and that said Reed has no permission or authority granted him from any person to occupy said apartment for said purpose.

We therefore respectfully report the following bill for the action of the House.

J. M. MOORE,
D. S. DODDS,
J. H. FLETCHER,
Committee.

Which report was adopted and the committee discharged.

The speaker announced his signature to Council Bills Nos. 27 and 33.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
January 21, 1887.

MR. SPEAKER:

I have the honor to transmit herewith Council Bill No. 53, a bill for an act to provide for fuel for the Capitol, the same having been passed by the Council, and ask your concurrence therein.

Also,

I have the honor to inform the House that the Council has refused to recede to the amendment to House File No. 56, providing for an extension of the time which the taxes of 1886 shall become delinquent, and has appointed as a committee of conference thereon Messrs. Hughes, Washabaugh and Sheldon of Hand.

T. A. KINGSBURY,
Chief Clerk.

REPORT OF CONFERENCE.

The Conference Committee presented the following report.

To the Council and House of Representatives:

Your Conference Committee to whom was referred House Bill No. 28, beg leave to report that they have had the same under consideration and recommend that the same be amended by striking out the word "June" in the fourth line in the printed bill and inserting in lieu thereof the word July, and that so amended it pass.

ALEXANDER HUGHES.
E. T. SHELDON,
F. J. WASHABAUGH.
A. S. STEWART.
J. T. GILBERT.
D. S. DODDS.
Committee.

Mr. Stewart of Fall River moved

That the report of the Conference Committee be adopted.

Which motion prevailed.

Mr. Aikens moved

To suspend the rules and that

House Bill No. 28,

As amended be read the second and third times and placed on its final passage,

Which motion prevailed and
House Bill No. 28,
A bill for an act providing for an extension of time for the payment of taxes of 1886, was reported from Conference Committee, report of committee adopted, and the bill was placed on its final passage.

The roll being called there were ayes, 39; nays; none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Hobart, Jones, Stewart of Fall River, Sullivan, Williams of Burleigh.

Messrs. Adams, Hawk, Burnham and Ward being excused.

So the bill passed and
Its title was agreed to.

Mr. Williams of Burleigh moved
To suspend the rules that
Council Bill No. 53,
A bill for an act to provide fuel for the Capitol be read the first and second times and referred to the Committee on Appropriations,
Which motion prevailed.

Nr. Hobart moved
To adjourn,
Which motion prevailed and
The House adjourned.

W. G. EAKINS,
Chief Clerk.

TWELFTH DAY.

BISMARCK, DAK., January 22, 1887.

The House assembled at 2 o'clock p. m., pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Adams, Burnham, Hawk and Ward, excused.

Mr. Williams of Burleigh moved
That the reading of the Journal be dispensed with,
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
January, 22, 1887.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 28,
A bill for an act providing for an extension of time for the payment of the taxes of 1886,
And to report that the Council has agreed to the amendments reported by the committee of conference and passed the bill.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 36,

A memorial to the Senate and House of Representatives of the United States in relation to land titles.

Also,

Council Bill No. 50,

A bill for an act to amend section 677 of the Code of Civil Procedure, relating to damages caused by railroads.

Also,

Council Bill No. 10,

A bill for an act repealing sections 12 to 18 inclusive of chapter 20 of the Special Laws of 1885.

Also,

Council Bill No. 40,

A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory and to prescribe the rate of interest thereon,

Which bills have been passed by the Council, and your favorable consideration of the same is asked.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:

Your Judiciary Committee have had under consideration

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, D. T., and report the same back with the recommendation that it be referred to the Committee on Appropriations.

Also,

House Bill No. 3,

A bill for an act to extend the time when the taxes of 1886 become delinquent and recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 15.

A bill for an act to amend chapter 78 of the General Laws of 1885, and recommend the passage of the bill.

Also,

House Bill No. 27,

A bill for an act to allow county commissioners to extend the time when taxes of 1886 become delinquent, and recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 35,

A bill for an act providing for bounty for killing gophers, etc., and recommend that it be referred to the Committee on Territorial Affairs.

Also,

House Bill No. 31,

A bill for an act to repeal chapter 31 of the Session Laws of 1881, etc., and recommend the substitution therefor a bill for an act to repeal chapter 31 of the General Laws of 1881.

Also.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes. and recommend that the bill be referred to the Committee on Counties.

Also.

Council Bill No. 22.

A bill for an act extending the time when taxes of 1886 become delinquent, and recommend that the further consideration of the bill be indefinitely postponed.

Respecfully,
FRANK R. AIKENS,
Chairman.

Mr. Williams of Burleigh moved

That the report of the committee be adopted,

Which motion prevailed.

MR. SPEAKER:

The House Committee on Counties respectfully report that they have examined

Council Bill No. 25,

Being a bill for an act to attach certain counties to the county of Hughes for judicial purposes,

And recommend its passage by the House.

J. M. MOORE,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sprague introduced the following resolution and moved its adoption:

Resolved. That the chairmen of the several committees of the House are hereby instructed to notify members who have introduced bills of the time and the place at which such bills will be considered by the committee.

Which motion was lost.

Mr. Fletcher introduced the following resolution and moved its adoption:

WHEREAS, By reason of the amount of work imposed on the Committees on Judiciary, Appropriations and Railroads, it is the judgment of the House necessary to provide them clerks; therefore, be it

Resolved, That the speaker be requested to appoint clerks for such committees.

Which motion prevailed, and

The resolution was adopted.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Bidlake introduced—

House Bill No. 67,

A bill for an act to provide an equal distribution of cars to shippers by railroad companies,

Which was read the first time.

Mr. Miltimore introduced—

House Bill No. 68,

A bill for an act to prevent the wearing of G. A. R. badges unlawfully,

Which was read the first time.

Mr. Glendenning introduced—

House Bill No. 69,

A bill for an act to amend section 10 of chapter 49 of the Laws of 1885, relating to the compensation of township school boards,

Which was read the first time.

Mr. Glendenning introduced—

House Bill No. 70,

A bill for an act to amend sections 48 and 67, of chapter 34, General Laws of 1883, and to make moderators members of school boards, and to provide for meetings and compensation of the same,

Which was read the first time.

Mr. Ely introduced—

House Bill No. 71,

A bill for an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Which was read the first time.

Mr. Moore introduced—
Joint Resolution No. 72,
A joint resolution to prohibit the sale of intoxicating liquors in any buildings used or occupied by the Territorial officers or the Legislative Assembly of the Territory of Dakota,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 10,
A bill for an act repealing sections 12 to 18 inclusive of chapter 20 of the Special Laws of 1885,
Was read the first time.

Council Bill No. 36,
A memorial to the Senate and House of Representatives of the United States in relation to land titles,
Was read the first time.

Council Bill No. 40,
A bill for an act to provide for the registration and payment of warrants drawn by the secretary and president of the Board of Education in this Territory and to prescribe the rate of interest thereon,
Was read the first time

Council Bill No. 50,
A bill for an act to amend section 677 of Code of Civil Procedure relating to damages caused by railroads,
Was read the first time.

MESSAGE FROM THE COUNCIL:

The following message was received from the Council:

COUNCIL CHAMBER,
January 22, 1887.

MR. SPEAKER:
I have the honor to return herewith
House Bill No. 5,
A joint resolution providing for the purchase of seventy-two copies of Levisee's Code,
Which has been passed by the Council, with certain amendments in which your concurrence is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Dodds moved
To concur in the Council amendment.

Yeas and nays demanded.

The roll being called there were ayes, 15; nays, 29; not voting, 4.

Those who voted in the affirmative were:
Messrs. Berry, Dodds, Ensign, Glendenning, Harkins, Hobart, Jones, Moore, Patten of Miner, Shook, Sprague, Stewart of Walsh, Terrill, Williams of Grant, Wyman.

Those who voted in the negative were:
Messrs. Aikens, Bidlake, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Greene, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Messrs. Adams, Burnham, Hawk and Ward being excused.

So the motion to concur in Council amendment to Joint Resolution No. 5 was lost.

SECOND READING OF HOUSE BILLS.

House Bill No. 58,
A bill for an act to provide for the holding and conduct of elections,
Was read the second time, and
Referred to the Committee on Judiciary.

House Bill No. 59,
A bill for an act establishing a Territorial university at Ordway, Dakota,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 60,
A bill for an act to provide for the assessment and taxation of the property of telegraph companies,
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 61,
A bill for an act to enable cities and municipal corporations to lease and maintain systems or parts of systems of water works, telegraphic fire signals or fire apparatus,

Was read the second time and

Referred to the Committee on Towns and Cities.

Joint Resolution No. 63,
For the improvement of the Yellowstone National Park,
Was read the second time and
Referred to the Committee on Federal Relations.

House Bill No. 64,
A bill for an act to make it unlawful to leave open wells or excavations unprotected,
Was read the second time, and
Referred to the Committee on Judiciary.

House Bill No. 65,
A bill for an act to amend section 7, chapter 21, of the Political Code,
Was read the second time, and
Referred to the Committee on Judiciary.

House Bill No. 66,
A bill for an act to amend and re-enact section 2042 of the Civil Code,
Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 15,
A bill for an act to amend chapter 78 of the General Laws of 1885,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting;
Messrs Ensign, Pruitt, Shook.
Messrs. Adams, Burnham, Hawk and Ward, being excused.

So the bill passed, and
Its title was agreed to.

Substitute for House Bill No 31,

A bill for an act to repeal chapter 31 of the General Laws of 1881.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 43; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those voting in the negative were:

Mr, Bidlake.

Messrs. Adams, Burnham, Hawk and Ward being excused.

So the bill passed and
Its title was agreed to.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 25,

A bill for an act to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Hawk, Sullivan, White, Williams of Burleigh.

Messrs. Adams, Burnham and Ward being excused.

So the bill passed, and
Its title was agreed to.

COMMITTEE OF THE WHOLE.

The House then resolved itself into a committee of the whole for the consideration of the Governor's message, the special order of the day,
Mr. Fletcher in the chair.

When the committee arose the chairman made the following report:

MR. SPEAKER:

Your Committee of the Whole have had under consideration the Governor's Message, and recommend the reference of the topics therein treated as follows:

On Bonds—Referred to the Committee on Ways and Means.

Receipts and Expenditures—Referred to the Committee on Appropriations.

Capitol Warrants—Referred to the Committee on Territorial Affairs.

Superintendent of Public Instruction—Referred to the Committee on Education.

Commissioner of Immigration—Referred to the Committee on Immigration.

Board of Agriculture—Referred to the Committee on Agriculture.

Railway Commission—Referred to the Committee on Railroads.

Educational Institutions—Referred to the Committee on Education.

School of Mines—Referred to the Committee on Mines and Mining.

Insane Hospital—Referred to the Committee on Charitable Institutions.

Prisons—Referred to the Committee on Penal Institutions.

Pardons—Referred to the Committee on Judiciary.

The Militia—Referred to the Committee on Military Affairs.

Contagious Pluro-Pneumonia—That part of the message relating to suppression of the disease to Committe on Public Health, and that part relating to appropriations to Committee on Appropriations.

The Census—Referred to the Committee on Territorial Affairs.

The New Orleans Exposition—Referred to the Committee on Territorial Affairs.

Coming Exposition—Referred to the Committee on Territorial Affairs.

Women as Officials—Referred to the Committee on Judiciary.

Soldiers' Home—Referred to the Committee on Military Affairs.

Territorial Museum—Referred to the Committee on Indian Affairs.

Exemption Law—Referred to the Committee on Judicciary.

Publication of Laws—Referred to the Committee on Printing.

Salaries of County Officers—Referred to the Committee on Counties.

Officers of Public Institutions—Referred to the Committee on Territorial Affairs.

The Insurance Law—Referred to the Committee on Insurance.

Sale of Railroad Land—Referred to the Committee on Judiciary.

Public Examiner—Referred to the Committee on Ways and Means.

Extradition of Fugitives from Justice—Referred to the Committee on Judiciary.

Revising and Codifying the Statutes and Titles of Laws —Referred to the Committee on Judiciary.

Appointment of Regents, Directors, etc.—Referred to the Committe on Territorial Affairs.

Act Limiting Territorial Indebtedness—Referred to the Committee on Territorial Affairs.

The Question of Admission—Referred to the Committee on Federal Relations.

Normal School at Madison—Referred to the Committee on Appropriations.

Very respectfully,
J. H. FLETCHER,
Chairman.

Mr. Dodds moved the adoption of the report of the committee of the whole.

Which motion prevailed.

Mr. Aikens moved

That the rules be suspended and that

Council Bill No. 40,

Be read the second and third times and placed upon its final passage,

Which motion prevailed.

Council Bill No. 40,

A bill for an act to provide for the registaation and payment of warrants drawn by the secretary and president of boards of Education in this Territory, and prescribe the rate of interest thereon,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikins, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Messrs. Adams, Burnham, Hawk and Ward being excused.

So the bill passed, and

Its title was agreed to.

By unanimous consent Mr. Stewart, of Fall River, introduced the following resolution and moved its adoption:

Be it resolved by the House of Representatives;

That the compensation of the bill clerk, assistant enrolling and engrossing clerk, assistant sergeant-at-arms, stenographer and clerk of judiciary shall be at the rate of $5 per day for each day's service actually performed; the compensation of pages shall be at the rate of $2 per day for each day's service performed; the compensation of janitors shall be at the rate of $3 per day for each day's service actually performed; the compensation of all other clerks and officers appointed by the speaker shall be at the rate of $4 per day for each day's service actually performed, all to be certified and attested as required by law, and that the compensation of the assistant clerk of the House shall be at the rate of $6 per day for each day's service actually performed.

Which motion prevailed and
The resolution was adopted.

The speaker appointed the following clerks of committees:

Judiciary—Wm. A. Moore.

Appropriations—Edward Ewan.

Railroads—Howard Shober.

ATTORNEY GENERAL'S OPINION.

The following communication from the Attorney General was received:

To the Honorable, the House of Representatives of the Territory of Dakota:

In response to your resolution of inquiry, made upon the 18th inst., asking for an opinion as to the application of the act of Congress restricting special legislation, I beg leave to submit the following reply:

First, Territorial acts having for their purpose the repeal of any special or local act heretofore passed are within the power of the Legislative Assembly of Dakota, and are not expressly prohibited by the act of July 30, 1886, of the Forty-ninth Congress.

Second, Any acts purely amendatory, affecting local or special acts heretofore passed by the Dakota Assembly, are not prohibited by such act of Congress.

Most respectfully submitted,
By your obedient servant,
GEO. S. ENGLE,
Attorney General.

By unanimous consent Mr. Sprague moved

That the Joint Committee to arrange for transportation for the governor, officials of the territory, members and officers of the Council and House of Representatives, be requested to report at the earliest practicable time.

Which motion prevailed.

Mr. Gilbert moved to adjourn.

Which motion prevailed, and

The house adjourned.

W. G. EAKINS,
Chief Clerk.

FOURTEENTH DAY.

BISMARCK, D. T., January 24, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Adams and Ward, excused.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January, 24, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 28,

A bill for an act to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by fire insurance companies upon premiums received in any such town, city or village,

And ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

Mr. Shook presented the following report:

MR. SPEAKER:

The Committee on Federal Relations have had under consideration

House Bill No. 50. Protesting against the removal of Fort Abraham Lincoln,

And recommend the passage of the bill as introduced.

F. M. SHOOK,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Stewart of Walsh introduced the following resolution and moved its adoption:

WHEREAS, The work imposed upon the Committee on Enrolled and Engrossed Bills is so great as to warrant the appointment of a clerk,

Therefore be it

Resolved, That the speaker be authorized and requested to appoint a clerk for said committee, and that the compensation of said clerk be at the rate of five dollars per day for each day's services rendered.

Which motion prevailed, and
The resolution was adopted.

Mr. Fletcher moved

That we do now proceed to the election of a clerk for the Judiciary Committee,

Which motion prevailed.

Mr. Pruitt nominated Wm. A. Moore.

There being no other nominations, Mr. Moore was elected clerk by acclamation.

The House then took an informal recess to enable the members and officers to be presented to the incoming executive Hon. L. K. Church.

The speaker appointed H. E. Lavayea as clerk of the Committee on Enrolled and Engrossed Bills and E. A. Lilly as clerk of the Committee on Warehouses, Grain Grading and Dealing; also announced the appointment of Mr. Dodds on the Committee of Appropriations in place of Mr. Williams of Burleigh, resigned.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Mentzer introduced—
House Bill No. 73,
A bill for an act to punish assaults with intent to commit rape,
Which was read the first time.

Mr. Mentzer introduced—
House Bill No. 74,
A bill for an act to amend subdivision 320 of chapter 26 of the Penal Code,
Which was read the first time.

Mr. Gilbert introduced—
House Bill No. 75,
A bill for an act amending chapter 140 of Session Laws of 1885.
Which was read the first time.

Mr. Stewart of Walsh introduced—
House Bill No. 76,
A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1885,
Which was read the first time.

Mr. Williams of Burleigh introduced, by request—
House Bill No. 77,
A bill for an act to provide for the collection and compilation of statistics,
Which was read the first time.

The Committee on Counties introduced—
House Bill No. 78,
A bill to establish and define the boundaries of Morton county,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 28,
A bill for an act to appropriate for the support of fire departments of each city, town, or village in the Territory of Dakota, a part of the tax paid by fire insurance companies, upon premiums received in any such town, city, or village,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 10,

A bill for an act repealing sections 12 to 18 inclusive of chapter 20 of the Special Laws of 1885,

Was read the second time, and

Referred to the Committee on Judiciary.

Council Bill No. 36,

A memorial to the Senate and House of Representatives of the United States in relation to land titles,

Was read the second time, and

Referred to the Committee on Public Lands.

Council Bill No. 50,

A bill for an act to amend section 677 of Code of Civil Procedure relating to damages caused by railroads,

Was read the second time and

Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 67,

A bill for an act to provide an equal distribution of cars to shippers by railroad companies,

Was read the second time and

Referred to the Committee on Warehouses.

House Bill No. 68,

A bill for an act to prevent the wearing of G. A. R. badges unlawfully,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 69,

A bill for an act to amend section 10 of chapter 49 of the Laws of 1885, relating to the compensation of township school boards,

Was read the second time and

Referred to the Committee on Education.

House Bill No. 70,

A bill for an act to amend sections 48 and 67, of chapter 34, General Laws of 1883, and to make moderators members of school boards, and to provide for meetings and compensation of the same,

Was read the second time and

Referred to the Committee on Education.

The speaker announced his signature to House Bill No. 28.

THIRD READING OF HOUSE BILLS.

House Bill No. 50,

A joint resolution protesting against the abandonment of Ft. Abraham Lincon,

Was read the third time, and

And placed on its final passage.

The roll being called there were ayes, 42; nays; none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Jones, Pruitt, Ruggles, Sullivan.

Messrs. Adams and Ward, being excused.

So the bill passed and

Its title was agreed to.

COMMUNICATION FROM THE SECRETARY.

The following communccation was received from the Secretary of the Territory:

SECRETARY'S OFFICE, January, 11, 1887.

Gentlemen of the Council and House of Representatives:

In compliance with section 618, chapter 14, Code of Civil Procedure, I have the honor to transmit herewith the reports of the several sheriffs of this territory, so far as they have reported to me.

I am, very respectfully,
M. L. McCORMACK,
Secretary of Dakota Territory.

WAHPETON, DAK., NOV. 1, 1886.

To the Honorable the Territorial Secretary, Bismarck, Dakota:

Section 618, chapter 14, of Revised Codes of 1877, provides for an annual report from sheriffs of condition of jails, etc. Below I hand you report from this (Richland) county, for the year 1886, and the same report will cover the year 1885, viz:

No sickness of any consequence has occurred during the past year. No labor has been performed by prisoners. Jail was whitewashed three times during the year, in March, July and October, and floors scrubbed weekly throughout the year. The prisoners all have shown splendid disposition towards cleanliness, and with slight exception have behaved well. Have had very little trouble with them. Books and newspapers, religious and otherwise, have been freely supplied, and read by them. Jail examined twice each year by grand jury. who reported very favorably; also was examined several times each year by county commissioners. The records of my office have also been carefully examined by grand jury and commissioners and found very satisfactory.

I have the honor to be

Yours, very respectfully,
R. N. INK,
Sheriff of Richland County, D. T.

TERRITORY OF DAKOTA, } ss.
County of Hutchinson. }

To the Secretary of the Territory of Dakota:

The following is a copy of jail report of Hutchinson County, Dakota:

Alexander Wipf, committed by G. W. Baker, justice of the peace, on charge of assault and battery, November 20, 1885; fined by G. W. Baker, justice of the peace, to one hundred dollars and thirty days in county jail; discharged from jail the sixth day of February, 1886, he having served eighty days in jail, the time prescribed by G. W. Baker, justice of the peace, in default of payment of fine.

F. L. Omans, committed by M. F. Meyers, justice of the peace, on charge of forgery, July 26, 1886; tried by Chief Justice Tripp, and discharged the tenth day of September, 1886.

Karl Rhinehart, committed by G. W. Baker, justice of the peace, on charge of practicing medicine without a license; discharged the twenty-eighth day of September, 1886, he having given the required bail of three hundred dollars.

Dated this first day of November, 1886.

DAVID BELLOW,
Sheriff of Hutchinson County, Dakota.

Report of Pennington county from November 1, 1885, to November 1, 1886:

Arthur Organ, charged with murder, committed Nov. 3, 1885, discharged Feb. 28th on order of the court. Verdict of jury, not guilty.

Jesse Borland, charged with murder, committed Nov. 5, 1885, discharged Feb. 28th on order of the court. Verdict of jury, not guilty,

Harrison E. Baird, charged with murder, committed Nov. 5, 1885, discharged Feb. 28th on order of the court. Verdict of jury, not guilty.

August Rich, charged with murder, committed July 6, 1886. Convicted of manslaughter and sentenced to the penitentiary at Sioux Falls for three years and six months. Committed March 13, 1886.

Frank Lourey, charged with robbing the United States mails, committed Feb. 4, 1886, discharged Feb. 5, 1886. Released on $500 bail to appear before the United States grand jury in Deadwood in August 1886.

Frank Williams, charged with accessory to robbing the United States mails, committed February 4, 1886. Discharged February 5, 1886. Released on his own recognizance to appear before the United States grand jury at Deadwood, in August, 1886, as witness.

Frank Lourey, charged with grand larceny, committed February 20, 1886. Discharged February 20, 1886. Turned over to the United States authorities at Deadwood, in Lawrence county, under $2,000 bonds.

Ira Lee, insane, committed April 8, 1886. Discharged April 20, 1886. Turned over to his father.

Frank Smith, charged with grand larceny, committed May 6, 1886. In jail at present.

George Glover, insane, committed October 7, 1886. Discharged October 31, 1886. Sent to the insane asylum at Yankton.

Curtis Herrick, insane, committed October 16, 1886. Discharged October 31, 1886. Sent to the insane asylum at Yankton.

Frank Lourey, charged with grand larceny, committed October 16, 1886. In jail at present.

Witness my hand, November 1, 1886.

MANDEL M. FULLER.
Sheriff Pennington County, Dakota.

COMMITTEE OF THE WHOLE.

Mr. Stewart of Fall River moved

The House resolve itself into committee of the whole to consider House Bill No. 29.

Which motion prevailed.

When the committee rose the chairman presented the following report:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 29,

A bill for an act to amend sections 27 and 43 of chapter 28 of the Political Code,

And report the same back with the recommendations that sections one and two of the bill do pass, and that sections three and four be stricken out, that section five be numbered section three and adopted, and further recommend the passage of the bill as amended.

Respecfully,
D. T. ROYER,
Chairman.

Mr. Dodds moved

To adopt the report of the Committee of the Whole.

Which motion prevailed, and

House Bill No. 29,

A bill for an act to amend sections 27 and 43 of chapter 28, Political Code,

Was read the third time and put upon its final passage, and

The roll being called there were ayes, 43; nays, 2; not voting, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolsmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Patton of Lawrence, Stewart of Fall River.

Absent and not voting:
Mr. Stewart of Walsh.

Messrs. Adams and Ward being excused.
So the bill passed and
The question being as to its title, the same was amended by striking out section 27 and inserting section 37 in lieu thereof, and as so amended
Its title was agreed to.

By unanimous consent Mr. Aikens introduced
House Bill No. 79,
A bill for an act repealing chapter 99 of the General Laws of 1883,
Which was read the first time.

Mr. Hobart, by unanimous consent, introduced
House Bill No. 80,
A bill for an act to require county treasurers to deposit funds in designated depositories,
Which was read the first time.

By unanimous consent, Mr. Wolzmuth presented the following report:

MR. SPEAKER:

Your committee to whom was referred Long's Legislative Hand Book have had the same under consideration and report the same back with the recommendation that the same be adopted by the Legislative Assembly, and that two hundred copies thereof be printed for the members and officers of the House and Council and Territorial officials, and that the sum of three hundred and twenty-five dollars be appropriated in payment of the printing and in full compensation of Mr. Long's services in compiling the Hand Book.

JOHN WOLZMUTH,
Chairman.

Mr. White moved
That the report be accepted,
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined and find correctly enrolled and engrossed the following bill:

House Bill No. 28,

A bill for an act providing for an extension of time for the payment of taxes of 1886,

A. J. PRUITT,
Chairman.

Mr. Stewart of Fall River presented the following resolution and moved its adoption:

Be it Resolved, That the compensation of the clerks and officials of the House shall be at the rate heretofore fixed by resolution, which is hereby construed to be for each legislative day during the session,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
January 24, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 5,

A Joint Resolution providing for certain public printing and making appropriation for the same.

Also,

Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota.

Also,

Council Bill No. 41,

A bill for an act to amend section 384 of chapter 3 of the Civil Code,

Which bills have been passed by the Council and your favorable consideration of the same is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has refused to recede from its amendment to House Bill No. 5, a joint resolution instructing the secretary to purchase codes, and that the president has appointed Messrs. Cain, Sheldon of Day, and Bogart as members of a conference committee to consider the differences between the two Houses.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Williams of Burleigh moved

That the House appoint a Committee of Conference on House Bill No. 5,

Which motion prevailed, and

The speaker appointed Messrs. Williams of Burleigh, Aikens and Burnham as such committee.

Mr. Hawk moved to adjourn,

Which motion prevailed and

The House adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTEENTH DAY.

BISMARCK, D. T., January 25, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Ward, excused.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. SPEAKER:

The Committee on Appropriations has had under consideration Council Bill No 53, and do hereby recommend that it do pass.

WM. W. BERRY,
Chairman.

MR. SPEAKER:

Your committee to whom was referred

House Bill No. 26, beg leave to report that they have had the same under consideration, and would recommend that it do pass.

J. H. FLETCHER,
Chairman Temperance Committee.

Mr. Stewart moved
That House Bill No. 26 be made a special order for next Monday at 3 o'clock,
Which motion was withdrawn.

MR. SPEAKER:
Your committee to whom was referred the following bills have had the same under consideration and submit the following report:

Your committee recommend that House Bills Nos. 21 and 66 do pass; and that Council Bill No. 24 be amended by striking out the word "session" in the enacting clause in section 1, and inserting the word "general," and as amended your committee recommend the passage of the bill.

FRANK R. AIKENS,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Miltimore moved the adoption of the following resolution, to-wit:

Resolved, That the compensation of the postmaster of the house be five ($5.00) dollars per day for each day of actual service,

Which motion prevailed, and
The resolution was adopted.

Mr. Elliott moved the adoption of the following resolution:

Be it Resolved, That the compensation of the doorkeeper of the gallery shall be at the rate of five dollars per day for each legislative day of the session,
Which motion prevailed, and
The resolution was adopted.

PETITIONS AND COMMUNICATIONS.

The following communication was presented and read to the House:

DESMET, DAKOTA, Jan. 17, 1887.

Gentlemen of the Legislature of the Territory of Dakota:

The demand for an amendment to the liquor license law which shall cut off the right to sell in five gallon lots in counties where no license is granted is very urgent.

Kingsbury county is an illustration of the effect of the law as it now stands. No license is granted and no saloons have for a long time existed until within the past few months, when a Wisconsin brewing company discovered the weakness of our license law and established an agency in DeSmet and shipped in their beer in five gallon cases—twenty bottles in a case. The agent also started the sale of whisky and brandy, nominally in five gallon lots. In reality it is an evasion of the law in the main, and it runs into a regular retail business. But where the sales are made in five gallon lots, the liquor is taken away and divided up at some barn or other building and men become as beastly drunk and disorderly as if a regular saloon business was maintained. Farmers spend their money for the liquor and carry it home, while wife and children are suffering for clothing.

This traffic is wholly unchecked by any county license. The county obtains no revenue, but the criminal prosecutions which always follow in the wake of the liquor traffic must be paid for by the county. I could send you a petition signed by more than 1,000 voters of this county and by nearly all the women, for the passage of a law which shall cut off this traffic, but it is so obvious that an amendment of the law should be promptly enacted that petitions are wholly unnecessary.

Within a week a second wholesale liquor house has been established in this county—at Lake Preston.

This system will soon become popular and liquor sellers will find no occasion to take out a license in any county, unless the Legislature stops it.

Very respectfully submitted,

JOHN A. OWEN,

District Attorney Kingsbury County, Dak.

MESSAGE FROM THE EXECUTIVE.

The following message was received from the Governor:

EXECUTIVE OFFICE,
January 25, 1887.

To the Honorable, the Speaker of the House of Representatives:

I return herewith House Bill No. 28 without my approval. I do this in consequence of the opinion of the attorney general, herewith transmitted, that the bill as at present framed will not prevent the distraint and sale of property for unpaid taxes at once under section 53 of the revenue law. This I am sure the Legislature wish to avoid. I respectfully suggest an additional clause doing away with this objection. Otherwise, county treasurers would be bound to seize and sell property or be liable on their official bonds.

GILBERT A. PIERCE,
Governor.

OPINION OF THE ATTORNEY GENERAL.

Hon. Gilbert A. Pierce, Governor of Dakota:

SIR: In response to your inquiry of the 24th inst. as to the effect of House Bill No. 28 upon the duties of the County Treasurers set forth in section 53 of chapter 28 of the Revenue law in the Revised Code as to distraint and sale for taxes due, I have the honor to submit the following reply:

While it seems to be the aim of the bill to provide a temporary relief for the taxpayers, it does not prevent immediate distraint and sale for personal property for unpaid taxes after the first day of January next succeeding the levying of the taxes, and by said section 53 the treasurer is directed and required to collect the same by distress and sale after the first day of January, while no penalty attaches until after February 1st.

Respectfully submitted.
GEO. S. ENGLE.
Attorney General.

Mr. Dodds moved

That the message of the Governor and attorney general be referred to the Judiciary Committee.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Mentzer introduced—

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the districts and circuit courts of the United States,

Which was read the first time.

Mr. Hawk introduced—

House Bill No. 82,

A bill for an act to change the date of General Elections in civil townships,

Which was read the first time.

Mr. Hubbard introduced—

House Bill No. 83,

A bill for an act entitled an act to regulate the time when taxes shall become due and delinquent in the Territory of Dakota,

Which was read the first time.

Mr. Terrill introduced—

House Bill No. 84,

A bill for an act requiring county commissioners to give bonds,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 85,

A bill for an act to amend section 1, chapter 66, Session Laws of 1883,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 86,

A bill for an act to define the boundaries of Stark and Billings counties,

Which was read the first time.

Mr. Stewart of Walsh, by request, introduced—

House Bill No. 87,

A bill for an act for the punishment of any person, or persons, obtaining board or lodging at any house of entertaiment without payment therefor,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 5,

A joint resolution providing for certain public printing and making appropriation for the same,

Which was read the first time.

Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Which was read the first time.

Council Bill No. 41,

A bill for an act to amend section 384 of chapter 3 of the Civil Code,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 28,

A bill for an act to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by fire insurance companies, upon premiums received in any such town, city or village,

Was read the second time and

Referred to the Committee on Towns and Cities.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 53,

A bill for an act to provide fuel for the Capitol,

Was read the third time and

Placed upon its final passage.

The roll being called, there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikins, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Miltimore, Patton of Lawrence.

Messrs. Adams, and Ward being excused.

So the bill passed, and

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No 71,

A bill for an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Was read the second time and

Referred to the Committee on Public Health.

Joint Resolution No. 72,

A joint resolution to prohibit the sale of intoxicating liquors in any buildings used or occupied by the Territorial officers or the Legislative Assembly of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Temperance.

House Bill No. 73,

A bill for an act to punish assaults with intent to commit rape,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 74,

A bill for an act to amend subdivision 320 of chapter 26 of the Penal Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 75,

A bill for an act amending chapter 140 of Session Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Was read the second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 78,

A bill to establish and define the boundaries of Morton county,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 79,

A bill for an act repealing chapter 99 of the General Laws of 1883,

Was read the second time and
Referred to the Committee on Railroads.

THIRD READING OF HOUSE BILLS.

House Bill No. 21,

A bill for an act to amend section 121 of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Burnham.

Messrs. Adams and Ward being excused.

So the bill passed, and
Its title was agreed to.

The speaker announced his signature to Council Bills Nos. 25, 32 and 40.

On motion, House Bills Nos. 26 and 66 were referred to general orders for January 26, 1887.

COMMITTEE OF THE WHOLE.

Mr. Hobart moved

That the House now resolve itself into a committee of the whole to consider Council Bill No. 24,

Which motion prevailed and

The speaker called Mr. Dodds to the chair.

When the committee rose the following report was presented:

BISMARCK, Jan. 25, 1887.

MR. SPEAKER:

The Committee of the Whole has had under consideration Council Bill No. 24, A bill for an act to amend section 3 of chapter 94 of the Session Laws of 1883, with the amendments proposed by the Judiciary Committee and recommend that the bill be amended by striking out the word "Session" in the enacting clause and title and substitute in lieu thereof the word "General" and that the bill as so amended do pass.

Respectfully,
D. S. DODDS,
Chairman.

Mr. Aikens moved the adoption of the report of the committee of the whole,

Which motion prevailed.

Council Bill No. 24,

A bill for an act to amend section 3 of chapter 94 of the Session Laws passed in the year 1883,

Was then read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, 4; not not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Jones, Patton of Lawrence, Pruitt, Sullivan.

Absent and not voting:

Messrs. Dutch, White.

Mr. Ward being excused.

So the bill passed, and

Its title was agreed to.

The House took an informal recess, and when called to order

The Judiciary Committee made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred the message of the Governor stating his objections to House Bill No. 28, have considered the same, and report the bill herewith submitted, and recommend that the rules be suspended, and the bill passed its second readings and placed upon its final passage.

Respectfully submitted,
FRANK R. AIKENS,
Chairman.

Mr. Dodds moved
The adoption of the report,
Which motion prevailed.

Mr. Williams of Burleigh moved
That the rules be suspended, and
House Bill No. 88,
A bill for an act providing for an extension of time for the payment of taxes of 1886, be read the first, second and third times and placed on its final passage,
Which motion prevailed, and

House Bill No. 88
Was read the first, second and third times and placed on its final passage.

The roll being called, there were ayes, 47; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Mr, Ward being excused.
So the bill passed, and
Its title was agreed to.

By unanimous consent, Mr. Hawk presented the following communication:

WAHPETON, January 22, 1887.

At a meeting of Cass County Alliance, No. 47, the following resolutions were passed:

Resolved, That, where practicable, all county officers receive a stated salary not to exceed three thousand dollars, exclusive of clerk hire; and that the fee system be abolished.

Resolved, That the board of county commissioners be abolished, and that the municipal form of government be similar to that of the State of New York.

Resolved, That a residence of one year in the Territory and ninety days in the precinct shall be required to constitute a legal voter.

Resolved, That the sense of this meeting is in favor of local option.

E. D. MCINTYRE,
Secretary.

And on motion, the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

SIXTEENTH DAY.

BISMARCK, D. T., January 26, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

Mr. Stewart, of Walsh, moved

To dispense with the reading of the Journal,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were submitted:

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend that House Bill No. 76 be referred to the Railroad Committee.

That House Bill No. 74 be amended by substituting the word "fourteen" instead of the word "thirteen" in the last line of section one, and as amended recommend that the bill do pass.

The committee, after thoroughly considering House Bill No. 25, report it back to the House, and recommend that it do not pass.

Respectfully submitted,
FRANK R. AIKENS,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

Mr. Ward presented the following report:

MR. SPEAKER:

The Committee on Transportation appointed to confer with the special committee appointed by the Council have had the same under consideration, and respectfully report that they are unable to concur with the recommendations of the Council committee, except so far as to recommend that transportation be furnished Councilman Collins by the Legislative Assembly during the present session.

J. P. WARD,
Chairman.

Mr. White moved
The report be accepted,
Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Harkins moved
To reconsider the vote by which the compensation of the doorkeeper was fixed at five dollars per day.

Mr. Aikens moved
That the motion to reconsider lie on the table
Which motion prevailed.

Mr. Stewart, of Fall River, introduced the following resolution and moved its adoption:

WHEREAS, The work imposed upon the Committee on Ways and Means is so as to warrant the appointment of a clerk; therefore be it

Resolved, That the Speaker be authorized and requested to appoint a clerk for said Committee, and that the compensation of said clerk be at the rate of four dollars per day for each day's service rendered,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January 26, 1887.

MR. SPEAKER:

I have the honor to return herewith to your honorable body, where the same originated,

House Bill No. 50,

A joint resolution protesting against the removal of Ft. Abraham Lincoln,

Which has been passed by the Council without change;

Also, to transmit

Council Bill No. 13,

A bill for an act entitled an act to legalize an election held in the city of Sioux Falls, and for other purposes, and

Council Bill No. 34,

A bill for an act to define the incompatibility of offices within the Territory of Dakota,

Which bills have been passed by the Council, and to request your favorable consideration thereof.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS

Mr. Burnham introduced—

House Bill No. 89,

A bill for an act to incorporate a home for the relief of the survivors of the honorably discharged soldiers and sailors of the war of 1861,

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 90,

A bill for an act to amend sections 3 and 4 of the Session Laws of 1883,

Which was read the first time.

Mr. Greene introduced—

House Bill No. 91,

A bill for an act to amend section 323 of the Code of Civil Procedure, and to repeal sections 324 and 325 of the Code of Civil Procedure,

Which was read the first time.

Mr. Fellows introduced—

House Bill No. 92.

A bill for an act entitled an act prescribing the duties and regulating the salaries of the register of deeds,

Which was read the first time.

Mr. Fellows introduced—

House Memorial No. 93, From the chamber of commerce of Grand Forks, Dakota, asking the Legislature of Dakota Territory to memorialize the United States Senate to at once ratify the treaty with the Red Lake Indians in Minnesota,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 95,

A bill for an act to establish a territorial horticultural society, and making and appropriation for the encouragement of horticulture and forestry,

Which was read the first time.

Mr. Cook, by request, introduced—

House Bill No. 96,

A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,

Which was read the first time.

Mr. Ruggles introduced—

House Bill No. 97,

A bill for an act to amend section 2 of chapter 35 of the Political Code,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 13,

A bill for an act entitled an act to legalize an election held in the city of Sioux Falls and for other purposes,

Was read the first time.

Council Bill No. 34,

A bill for an act to define the incompatibility of offices within the Territory of Dakota,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 5,

A joint resolution providing for certain public printing and making an appropriation for the same,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 41,

A bill for an act to amend section 384 of chapter 3 of the Civil Code,

Was read the second time and

Refered to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 80,

A bill for an act to require county treasurers to deposit funds in designated depositories,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the districts and circuit courts of the United States,

Was read the second time.

Mr. Mentzer moved

That the bill be referred to a special committee consisting of Messrs. Adams, Morris, Sullivan, Ely and Moore.

Ayes and nays demanded.

The roll being called, there were ayes, 28; nays, 17; not voting, 3.

Those who voted in the affirmative were:

Messrs. Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Stewart of Fall River, Ward, White, Williams of Grant, Wolzmuth.

Messrs. Adams, Aikens and Moore
Being excused.

So the motion was adopted.

House Bill No. 82,

A bill for an act to change the date of general elections in civil townships,

Was read the second time and
Referred to the Committee on Elections and Privileges.

House Bill No. 83,

A bill for an act entitled an act to regulate the time when taxes shall become due and delinquent in the Territory of Dakota,

Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 84,

A bill for an act requiring county commissioners to give bonds,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 85,

A bill for an act to amend section 1, chapter 66, Session Laws of 1883,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 86,

A bill for an act to define the boundaries of Stark and Billings counties,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 87,

A bill for an act for the punishment of any person, or persons, obtaining board or lodging at any house of entertaiment without payment therefor,

Was read the second time and

Referred to the Committee on Judiciary.

On motion of Mr. Fellows, the rules were suspended and House Bill No. 92,

A bill for an act entitled an act prescribing the duties and regulating the salaries of registers of deeds,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 25,

A bill for an act to legalize the assessment of taxes heretofore made,

Was read the third time, and

And placed on its final passage.

The roll being called there were ayes, 6; nays; 40; not voting, 2.

Those who voted in the affirmative were:

Messrs. Berry, Ensign, Greene, Hubbard, McDonell, Stewart of Fall River.

Those who voted in the negative were:

Messrs. Adams, Aikins, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Fletcher.

So the bill was lost.

COMMITTEE OF THE WHOLE.

Mr. Hobart moved

That the House do now resove itself into a Committee of the Whole to consider House Bills Nos. 76, 26 and 74,

Which motion prevailed, and thereupon

The speaker called Mr. Ensign to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration House Bill No. 66, and recommend the following amendments thereto: To insert the words "a bill" after the words "for an act;" that the words "section 1" be substituted for the numbers (2042), and that the following sections be added;

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval

And recommend the passage of the bill when so amended.

Also,

House Bill No. 26,

And recommend that the bill be amended by adding at the close of section 1 the words "Provided that nothing in this act shall in any manner interfere with or invalidate any license granted by any city council acting under the authority of a special charter or act granting exclusive authority in the matter of granting licenses for the sale of intoxicating liquors."

And recommend that the bill when so amended do pass.

Also,

House Bill No. 74,

And recommend that the word thirteen be striken out of the last line of section one and substituting in lieu thereof the word fourteen, and recommend the passage of the bill when so amended.

Very respectfully,
D. W. ENSIGN,
Chairman.

Mr. Fletcher moved

The adoption of the report of the committee,

Which motion prevailed.

The speaker announced his signature to

Council Bill No. 53,

And bills reported from the Committee were read as follows:

House Bill No. 26,

A bill for an act to amend section 1, chapter 26, of the General Laws of 1879,

Was read the third time and
Placed on its final passage.

The roll being called there were ayes, 45; nays, none.

Those voting in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten, of Miner, Pruitt,. Royer, Ruggles, Shook, Sprague, Stewart, of Fall River, Stewart, of Walsh, Sullivan, Terrill, Ward, White, Williams, of Grant, Williams,of Burleigh, Wise, Wyman, Mr. Speaker.

Messrs. Patton, of Lawrence, Schnaidt, Wolzmuth, absent and not voting.

So the bill passed and its title was agreed to.

House Bill No. 66,

A bill for an act to amend and re-enact section 2042 of the Civil Code of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 45; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher,. Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt; Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Pruitt, Wolzmuth.

So the bill passed and its title was agreed to.

House Bill No. 74,

A bill for an act to amend subdivision 1 of section 320 of chapter 26 of the Penal Code,

Was read the third time and placed upon its final passage.

The roll being called; there were ayes, 45; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook,

Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Patton of Lawrence, Pruitt, Wolzmuth.

So the bill passed and
Its title was agreed to.

Mr. Burnham, by unanimous consent, moved
That a committee of two, to act with the assistant clerk, be appointed to correct and revise the Daily Journal,
Which motion prevailed and
The speaker appointed Messrs. Burnham and Ensign as such committee.

Mr. Burnham resigned as a member of the committee and the speaker thereupon appointed Mr. Miltimore in his place.

Also appointed L. M. Todd as clerk of the Committee on Ways and Means, and Mr. Gilbert as a member of the Committee on Charitable Institutions in place of Aikens, resigned.

Mr. Elliott, by unanimous consent, introduced the following resolution and moved its adoption:

Resolved, That a committee consisting of Messrs. Fellows and Aikens be appointed by the speaker to devise means for the improvement of the acoustic properties of this hall,

Which motion prevailed, and
The resolution was adopted.

H. E. Lavayea was sworn in as clerk of the Committee on Enrolled and Engrossed Bills.

Mr. Moore moved to adjourn,
Which motion prevailed and
The House adjourned.

W. G. EAKINS,
Chief Clerk.

SEVENTEENTH DAY.

BISMARCK, D. T., January 27, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the House Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal respectfully report that they find the same correct, except on page 6, and recommend the striking out of the words "absent and not voting" and inserting the words "Messrs. Moore, Aikens and Adams being excused;" and with these corrections, recommend its approval.

Respectfully,
C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Mallory moved
To dispense with further reading of the Journal,
Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

FARMERS ALLIANCE, NO. 210,
BEAULIEU, Jan. 15, 1887.
CAVALIER COUNTY, DAK.

To the Honorable, the Council and House of Representatives of the Legislative Assembly of Dakota:

Resolved, That we petition the Legislature to amend the law so that penalties, fines and interest on delinquent taxes be paid into the special funds for which said taxes were levied.

Resolved, That we petition the Legislature to amend the law so that the license money for saloons shall go into the general school fund.

Resolved, That we petition the Legislature to amend the law so that the towhship treasurer shall collect all the taxes levied in his township at a compensation of 2 per cent.

Resolved, That the above resolutions be forwarded by the Secretary to John Bidlake, member of the Legislature of Dakota for this district, now in session at Bismarck.

JOSEPH MAY,
Secretary.

MOTIONS AND RESOLUTIONS.

Mr. Sprague moved

That the Committee on Railroads be requested to report back House Bill No. 79 forthwith without recommendation.

Mr. Dodds moved

To lay the motion on the table,

Which motion prevailed.

Mr. Ellott offered the following resolution:

Resolved, That a committee consisting of Messrs. Greene, Hawk and Pruitt be appointed by the speaker to take such steps as they consider advisable to secure suitable seats for the ladies in this hall.

Mr. Sullivan moved, as a substitute motion, that Messrs. Elliott and Moore constitute the committee,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January, 27, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 88,

A bill for an act providing for the extension of time for payment of taxes of 1886, the same having passed the Council without change.

Also, transmit herewith

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881, which has passed the Council,

And ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend that the following bills do not pass:

House Bill No. 9, House Bill No. 85 and House Bill No. 87.

They further recommend that House Bill No. 7 be amended as follows: Add repealing clause to be designated as section 3, "All acts or parts of acts in conflict with the provisions of this act are hereby repealed." That section three (3) of the bill as introduced be numbered "section 4," and that as amended the bill do pass.

Respectfully submitted,
FRANK R. AIKENS,
Chairman.

Mr. Dodds moved

That the report of the Judiciary Committee be accepted, except so much as relates to House bill No. 9, and that the latter be made the special order for 4 o'clock p. m. to-day,

Which motion was lost.

MR. SPEAKER:

Your Committee on Counties, to whom was referred House bill No. 86, report that they have had the same under consideration, and recommend the same do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 40,

A bill for an act authorizing county commissioners and town supervisors to offer bounties for killing black birds, have had the same under consideration and report the same back and recommend its passage by the House.

Also,

House Bill No. 55,

A bill for an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay the outstanding indebtedness and to provide payment of the principal and interest thereof,

And beg leave to report favorably and recommend its passage by this House.

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Temperance to whom was referred House Bill No. 72,

Submit the following report:

We recommend that section one (1) be stricken out, and the following, also marked section one (1) be substituted. We recommend the passage of the bill as amended.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs beg leave to make the following report:

That House Bill No. 77 be amended as follows: That the words "within thirty (30) days thereafter" be added to section four (4) of said bill after the word "same" where it occurs in said section four (4) of said bill.

Action was deferred on House Bill No. Thirty-five (35) until the next meeting of your said committee.

Respectfully submitted,
DONALD STEWART,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Patten of Miner introduced—

House Bill No. 98,

A bill for an act to increase the powers of county commissioners,

Which was read the first time.

Mr. Bidlake introduced—

House Bill No. 99,

A bill for an act to amend section 54 of chapter 28 of the Political Code, entitled "Revenue,"

Which was read the first time.

Mr. Royer introduced—

House Bill No. 100,

A bill for an act to provide for holding an annual Territorial fair and fat stock show,
Which was read the first time.
Mr. Miltimore introduced—
House Bill No. 101,
A bill for an act for the commissioners' report of warrants to be made and published in January and July,
Which was read the first time.
Mr. Williams of Grant introduced—
House Bill No. 102,
A bill for an act to encourage voting,
Which was read the first time.

Mr. Adams introduced—
Joint Resolution No. 103,
To provide for appointment of joint committees to visit Territorial institutions,
Which was read the first time.

Mr. Miltimore introduced—
House Bill No. 104,
A bill for an act for the cancellation of county warrants,
Which was read the first time.

Mr. Burnham introduced—
House Bill No. 105,
A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county,
Which was read the first time.
Mr. Pruitt introduced—
House Bill No. 106,
A bill for an act to facilitate making proof in actions brought to recover money on account or in assessable stocks and notes,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 75,
A bill for an act to amend chapter 23 of the Session Laws of 1881,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 13,
A bill for an act entitled an act to legalize an election held in the city of Sioux Falls, and for other purposes,

Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 34,

A bill for an act to define the incompatibility of offices within the Territory of Dakota,

Was read the second time and
Referred to the Committee on Judiciary.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January 27, 1887.

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 97,

A joint resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock,

Which has passed the Council, and ask your concurrence thereto.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

By unanimous consent,
Council Bill No. 97,

A joint resolution providing for the appointment of a joint committee to confer with the Montana authorities for the prevention and suppression of contagious diseases among live stock,

Was read the first, second and third times and placed on its final passage.

The roll being called, there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Mentzer, Patton of Lawrence.

Mr Terrill being excused.

So the bill passed, and

Its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January 27, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 90,

A joint resolution, providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly, and making appropriation for the same,

Which bill has been passed by the Council, and to request your favorable consideration of the same.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Williams of Burleigh moved to suspend the rules that

Council Bill No. 90,

A joint resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly and making appropriation for the same,

Be read the first, second and third times and placed on its final passage,

Which motion prevailed.

Council Bill No. 90 was then given its several readings and placed on its final passage.

The roll being called there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan. Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Berry, Cook, Mentzer, Patton of Lawrence.

So the bill passed and
Its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 9,
An act affecting the giving of mortgages upon ungrown crops,
Was read the third time and placed on its final passage, and
Mr. Sullivan moved
That the further consideration of the bill be indefinitely postponed,
Which motion prevailed.

Mr. Burnham moved
That the consideration of House Bill No. 85 be indefinitely postponed,
Which motion prevailed.

House Bill No. 86,
A bill for an act to define the boundaries of Stark and Billings counties.

Mr. Patten of Miner moved
That the bill be recommitted to the Committee on Counties,
Which motion prevailed.

Mr. Dodds moved
That further consideration of House bill No. 87 be indefinitely postponed,
Which motion prevailed.

Mr. Sullivan moved
That House bill No. 55 be made a special order for Saturday, January 29th, at 3 o'clock p. m.,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Sullivan moved
That the House resolve itself into a committee of the whole to consider
House Bills Nos. 7, 72 and 77,
Which motion prevailed, and
The speaker called
Mr. Sullivan to the chair.

When the committee rose, the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 72,

And recommend that the amendment proposed by the Temperance Committee as a substitute for section 1 be adopted, and that the bill as so amended do pass.

Respectfully,
B. H. SULLIVAN,
Chairman.

Mr. Ward moved

That the report be adopted,

Which motion prevailed.

Mr. White moved a call of the House.

Mr. Dodds moved to dispense with proceedings under the call,

Which motion prevailed, and

Joint Resolution No. 72,

A bill for an act forbidding the selling or giving away of intoxicating liquors in any Territorial building owned by the Territory or used or occupied by Territorial officials or the Seventeenth Legislative Assembly,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 31; nays, 11; not voting, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Fletcher, Glendenning, Harkins, Hobart, Hubbard, Mallory, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Ely, Ensign, Fellows, Gilbert, Greene, Hawk, Jones, McDonell, Ruggles, Stewart of Walsh.

Absent and not voting:

Messrs. Adams, Cook, Mentzer, Morris, Schnaidt, Shook.

So the bill passed, and

Its title was agreed to.

Mr. Adams moved that
The rules be suspended and that
Joint Resolution No, 103,
Providing for the appointment of a committee to investigate the public institutions of Dakota Territory and re port thereon,
Be read the second and third times and placed on its final passage.
Which motion prevailed.

Mr. Stewart moved
To amend by designating Messrs. Adams, Williams of Burleigh and Hawk.

Mr. Burnham moved
To lay the subject matter under discussion upon the table,
Which motion prevailed.

The Committee on Enrolled and Engrossed Bills presented the following reports:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined House Bill No. 88, and find it correctly enrolled and engrossed.
Also,
Have examined House Bill No. 50, and find it correctly enrolled and engrossed.

Respectfully,
A. J. PRUITT,
Chairman.

The speaker announced his signature to House Bills Nos. 50 and 88.

Mr. Miltimore moved to adjourn,
Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

EIGHTEENTH DAY.

BISMARCK, D. T., January 28, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the House Journal made the following report:

BISMARCK, Jan. 28, 1887.

MR. SPEAKER:

The committee to revise and correct the Journal of the House have examined the Journal of January 27, 1887, and find it correct as printed.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

By unanimous consent the further reading of the Journal was dispensed with, and the Journal was approved as recommended by the special committee to revise and correct the same.

MOTIONS AND RESOLUTIONS.

Mr. Dodds moved that

Council Bill No. 10 be recalled from the Judiciary Committee, and be made the special order for to-day at 4 o'clock p. m.

Pending consideration of the same Mr. Fellows sent to the clerk's desk and had read the following communications and protest:

LARIMORE, Dak., Jan. 25, 1887.

W. H. FELLOWS, ESQ.:

I see by the papers that Dr. Collins has had passed by the council a bill repealing the act passed two years ago, fixing the salary for the register of deeds of this county. Now the wisdom of that enactment is proven by the fact, which I have from good authority, that since the time that law went into effect down to the present, something like $7,000 has been turned into the county fund from the office, and the register has been able to live as well as the most of us, and was even induced to fight hard for a re-election, that he might enjoy the office for two years longer with that law in operation. Besides, in the campaign two years ago, it was stated that such a measure would be introduced and made a law if possible, and the people of this county by their votes elected the man or men who proposed to do it, and I have never heard the benefits of it questioned except by the incumbent of the office and a few of his partisan friends. I don't think there is any doubt but what a large majority of the people of this county approve the existing law, and would object to its repeal, if time were allowed to circulate petitions for such an expression. No one, in the last contest, contemplated such a move, except, possibly, the register of deeds himself and the honorable member of the Council; certainly, nothing of the kind was hinted at or spoken of, and had it been, I think, would have been condemned at once and emphatically. Of course, I don't know how you stand on this question, nor how committed you may be to certain votes; but I believe you will be sustained by all your constituents in opposing this bill. I don't know Mr. Wyman, or I would write to him; but I hope you will see your way clear to oppose this measure, and induce Mr. Wyman to do so, in the interest of the tax-payers of this county. The governor, in his message recommends this step for the whole Territory, and there is no doubt, if the people generally had a say, it would be universally adopted. What is the sense in permitting one man to gobble up $5,000 or $6,000 a year out of an office, supported by the people, when they themselves have hard work to live and pay their taxes? There are many good and competent men who would gladly take the office and perform the duties faithfully and well for the amount now allowed. The only argument I have ever heard urged against the measure enacted two years ago was that it was spite work on the part of Walsh. That he denies most emphatically, and certainly the benefits to the people would go, or ought to go, a good ways to prove that it was in their interests the measure was adopted. That has been its effect, whatever the motive that induced its introduction.

Pardon this long screed, but I feel interested in this matter, as do many here with whom I have talked, and hope you will receive what is here written in the kind spirit in which it is sent.

Yours, truly,
W. N. ROACH,

GRAND FORKS, DAK., Jan. 24, 1887.

W. H. FELLOWS:

Yours of the 21st, relative to Collins' bill, abolishing the present salary to the register of deeds, in lieu of fees, just received. The fact that Collins is in favor of the bill should cut no figure in my mind. I should act in the matter in accordance with my views of the people's interest. I understand that he made a statement in the Council to the effect that the bill was introduced by Mr. Walsh as a matter of spite against Mr. Elwood, because he had opposed him in the election, and for the further reason that Mr. Elwood had defeated Mr. Walsh's father. You understand that it has been some time since I have posed in the capacity of an apologist for Mr. Walsh, still I personally know that the aforesaid statements are false. In the first place, no longer than two weeks ago Mr. Elwood told me in my office that he supported Mr. Walsh. In the second place, Mr. Walsh supported Mr. Elwood as against his own father. In the third place, before the election was closed and during our canvass, in a speech at Thompson the people there asked Mr. Walsh if it was not a fact that the office of register of deeds of this county was worth from eight to ten thousand dollars a year. Mr. Will Freeman arose in the meeting and said that he had been deputy under Mr. Thos. Walsh in the office of register of deeds, and that he knew, of his personal knowledge, that the net proceeds of the office were either eight or ten thousand dollars per year, just which figure he placed it at I do not remember. It was the unanimous sentiment of that meeting that this salary was too large, and they demanded that it be reduced. Mr. Walsh pledged himself then and there to give his hearty support to a measure looking to that end. I followed Mr. Walsh, and I pledged myself to let the people know if he failed to fulfill his promise. These pledges were made two weeks before the elections closed, and at a time when there seemed to be little question but what Thomas Walsh would be elected. I do not know, of course, whether Mr. Walsh was actuated by spleen or not, but this I do know, that he had a higher and more exalted motive to work for if he saw fit to be moved by it. Therefore, if any such false statements are given to the lower house for the purpose of creating erroneous impressions, I wish that they might be corrected, and I have given you these facts to enable you to do so. You need have no hesitation in stating them, as I will sustain them at any time and in any place that their truth is called in question. If the old law be abolished, let it be abolished upon its merits.

Your friend,
W. J. MURPHY.

To the Honorable, the House of Representatives of the Territory of Dakota:

The undersigned petitioners, residents and tax-payers of the county of Grand Forks, Dakota Territory, respectfully represent that they have learned that a certain bill has been introduced and passed by the House of Council abolishing the present salary of register of deeds of this county, as fixed by the Legislature of 1885, and substituting a general system of fees. Your petitioners believe that the law as constituted by the Legislature of 1885 is satisfactory to the residents and taxpayers of this county and that no change should be made regarding the salary of said office of register of deeds. They therefore respectfully ask your honorable House of Representatives not to let said bill be passed, thereby aiding the tax-payers of this county, and your petitioners will ever pray,

T. O. HANSEN, ET AL.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

The Warehouse and Grain Committee respectfully submit the following report:

We have considered House Bill No. 67, introduced by Mr. Bidlake, and approve of the same, but beg to defer action thereon with a view to incorporate its provisions with other bills of the same nature.

M. H. COOPER,
Chairman.

MR. SPEAKER:

Your Committee on Education, to whom was referred Council Bill No. 9, report that they have had the same under consideration and agree to recommend that it do pass this House.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

Your special committee to whom was referred
House Bill No. 81, entitled

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the districts and circuit courts of the United States,

Would respectfully report that the bill has been carefully considered, and the committee recommend that the same do pass, for the following reasons:

The change in the place of holding court provided in the said act is to a point with equal court house, hotel and railroad conveniences and facilities; and to, approximately, the geographical center of the district, and to the center of population. The convenience of litigants, officers, witnesses, jurors, and all persons having business in the said court, will, in our judgment, be subserved by the change; and the economy to the United States and the people warrant it.

All of which is respectfully submitted.

F. H. ADAMS,
B. H. SULLIVAN,
J. M. MOORE,
JOHN A. ELY,
Committee.

MR. SPEAKER:

The undersigned members of the select committee to whom was referred House Bill No. 81, beg leave to report that after due consideration thereof, we recommend that said bill do not pass, and assign as reasons therefor, among others, the following:

1. That the court sought to be removed by this bill is at present located at a place accessible to all portions of the judicial district.

2. That there is no demand or valid reason for the removal of such court from its present location save and except for the selfish one that Mitchell wants such court, and is supported by a large railroad corporation in its demands.

3. That we believe a change of location of such court at this time to be inadvisable, in view of the possibilities of a change in our governmental affairs at no distant day by act of congress, there being now pending before those bodies measures both for the division of Dakota Territory as well as for the admission of that portion in which this court is located, and in the event of the passage of either measure, a complete redistricting of the new Territory or State for political purposes would be necessary.

4. That in our judgment it is with courts of justice as with all other parts of the machinery of our government, viz: That changes should not be made unless such change is beneficial, and the mere statement that by such removal the government of the United States would save any sum of money in mileage paid to jurors and witnesses attending this court is a mere pretext and cannot be supported by either argument worthy of consideration, or by the facts. No such change is now or ever has been suggested, asked for or demanded by the department of justice at Washington, nor by the supreme court of this Territory or any judge thereof; and it is but reasonable to suppose that if there existed any reason for such change, either in the interest of economy or otherwise, the department of justice would direct it, or would at least recommend it. No such request or demand or suggestion has ever been manifested. On the contrary, by the recent acts of congress which created the judicial districts now presided over by Judge Palmer and recently by Judge Church, by express terms specify that the court at Yankton shall retain and have the jurisdiction of cases arising and triable under the laws of the United States, thereby approving of its location at Yankton.

5. That if it is sought to remove this court to the geographical center of the Second judicial district, then the object will not be attained by the passage of this House Bill 81. The Second judicial district, comprising as it does all of that portion of Dakota south of the 46th parallel and lying east of the Missouri river and Mitchell, the point to which it is proposed by the bill to be removed to, is not within one hundred miles of such center.

All of which is respectfully submitted.

FRANK A. MORRIS.

MR. SPEAKER :

The Committee on Counties have had under consideration House Bill No. 78 establishing and defining the boundaries of Morton county and recommend its passage.

J. M. MOORE,
Chairman.

MR. SPEAKER :

The Judiciary Committee respectfully submit the following report :

The committee have examined the following bills and recommend their passage, viz :

Council Bills Nos. 13, 21 and 34, and House Bills Nos. 41, and 43.

The committee return herewith House Bill No. 45 and recommend that it be referred to the Committee on Ways and Means and House Bill No. 54 and recommend that it be referred to the Committee on Insurance.

They also report substitute for House Bill No. 17 and recommend the passage of the substituted bill.

Respectfully submitted,
FRANK R. AIKENS.
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

The special committee appointed by you to procure seats for the ladies have had the same under consideration, and have also made an investigation of the stock on hand in the furniture stores of the city of Bismarck, and find that seats similar to those already in the hall would cost about $100 per dozen, and it would require about ten days to get them here from Chicago. In view of this fact, and that the session would then be fully half over, we decided to supply this great want with two dozen rocking chairs, at a cost of about $85 per dozen, making a total of $170. In submission hereof, and in view of the comforts provided them, we do also urge that you cordially invite a good attendance of ladies. All of which is respectfully submitted.

T. M. ELLIOTT,
J. M. MOORE,
Special Committee.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
January, 28, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 19,

A bill for an act relating to marriages and the registration thereof.

Also,

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served in the Union army during the war of the rebellion,

Also,

Council Bill No. 51,

A bill for an act to amend section 1, of chapter 117, of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1885,

Also,

Council Bill No. 56,

A bill for an act in relation to preliminary examinations of persons charged with crime,

Also,

Council Bill No. 58,

A bill for an act to amend section 29 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election, powers and duties of county officers,

Also,

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure relating to the filing of papers in proceedings by attachmens,

Also,

Council Bill No. 81,

A bill for an act to amend an act entitled at act to provide for the organization of civil townships and the government of the same.

Which has passed the Council, and ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cooper introduced—

House Bill No. 107,

A bill for an act increasing the term of residence required before beginning a suit for divorce,

Which was read the first time.

Mr. Aikens, by request, introduced—

House Bill No. 108,

A bill for an act entitled an act relating to the office of notary public,

Which was read the first time.

Mr, Pruitt introduced—

House Bill No. 109,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 110,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

Which was read the first time.

Mr. Berry introduced—

House Bill No. 111,

A bill for an act to assess and tax railroads and railroad property,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 19,

A bill for an act in relation to marriage and the registration thereof,

Was read the first time.

Council Bill No. 51,

A bill for an act to amend section 1 of chapter 117 of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1885,

Was read the first time.

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served during the war of the rebellion,

Was read the first time.

Council Bill No. 56,

A bill for an act in relation to the preliminary examination of persons charged with crime,

Was read the first time.

Council Bill No. 58,

A bill for an act to amend section 23 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election powers and duties of county officers,

Was read the first time.

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Proceedure relating to the filing of papers in proceedings by attachment

Was read the first time.

Council Bill No. 81,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881,

Was read the second time and

Referred to the Committee on Counties.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 13,

A bill for an act entitled an act to legalize an election held in the city of Sioux Falls and for other purposes,

Was read the third time, and placed on its final passage.

The roll being called there were ayes, 42; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikins, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles. Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker..

Those who voted in the negative were:

Mr. Patton of Lawrence.

Absent and not voting:

Messrs. Dodds, Ensign, McDonell, Williams of Burleigh, Wolzmuth.

So the bill passed, and

Its title was agreed to.

Council Bill No. 21,

A bill for an act to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 47; nays, none; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Hubbard.

So the bill passed and

Its title was agreed to.

Council Bill No. 34,

Relating to the incompatibility of officers in the Territory of Dakota,

Was made the special order for Saturday, January 29th, 1886, at 3 o'clock p. m.

Council Bill No. 9,

Relating to the North Dakota university
Was referred to general orders for completion and amendment.

SECOND READING OF HOUSE BILLS.

By unanimous consent the reading at length of bills was dispensed with—the bills read by their title and referred to the appropriate committees.

House Bill No. 89,
A bill for an act to incorporate a home for the relief of the survivors of the honorably discharged soldiers and sailors of the war of 1861,
Was read the second time and
Referred to the Committee on Military Affairs.

House Bill No. 90,
A bill for an act to amend sections 3 and 4 of the Session Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 91,
A bill for an act to amend section 323 of the Code of Civil Proceedure, and to repeal sections 324 and 325 of the Code of Civil Proceedure
Was read the second time and
Refered to the Committee on Judiciary.

House Memorial No. 93,
From the chamber of commerce of Grand Forks, Dakota, asking the Segislature of Dakota Territory to memorialize the United States Senate to at once ratify the treaty with the Red Lake Indians in Minnesota
Was read the second time and
Referred to the Committee on Indian Affairs.

House Bill No. 94,
A bill for an act to repeal section 427 of chapter 37 of the Penal Code,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 95,
A bill for an act to establish a territorial horticultural society, and making an appropriation for the encouragement of horticulture and forestry,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 96,
A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,
Was read the second time and
Referred to the Committee on Military Affairs.

House Bill No. 97,
A bill for an act to amend section 2 of chapter 35 of the Political Code,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 98,
A bill for an act to increase the powers of county commissioners
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 99,
A bill for an act to amend section 54 of chapter 28 of the Political Code, entitled "Revenue,".
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 100,
A bill for an act to provide for holding an annual Territorial fair and fat stock show,
Was read the second time and
Referred to the Committee on Agriculture.

House Bill No. 101,
A bill for an act for the commissioners' report of warrants to be made and published in January and July,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 102,
A bill for an act to encourage voting,
Was read the second time and
Referred to the Committee on Privileges and Elections.

House Bill No. 104,
A bill for an act for the cancellation of county warrants,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 105,
A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 106,

A bill for an act to facilitate making proof in actions brought to recover money on account or in assessable stocks and notes,

Was read the second time and
Referred to the Committee on Judiciary.

Mr. Greene, by unanimous consent, introduced the following petition,

Which was referred to the Judiciary Committee, with House bill No 9:

MANDAN, DAK, Jan 20, 1887.

HON. FRANCIS GREENE:

DEAR SIR: We, your constituents, tax-paying farmers and business men, respectfully ask your careful attention to the provisions of the Territorial exemption law, which we regard in certain features very defective, and in some, positively injurious to the best interests of the Territory and every honest citizen.

The "absolute exemptions" are wholly inadequate for the necessities of a poor settler in a new country. He should have secured to him, besides what is now enumerated, his tools of trade, team, cow, pig, necessary farm tools and implements, necessary household furniture and bedding, etc., with proper limitations as to value and number, somewhat as set out in the section (Code C. P., sec. 325), defining the "specific alternative exemptions," and we suggest modification of the law in that direction.

But section 324, Code C. P., providing for "additional exemptions," furnishes the opportunity and incentive to fraud and dishonesty, far oftener than it protects the debtor from unmerited hardship and extortion. Every dishonest merchant who by means of this defrauds the jobber in the eastern city compels the honest merchant and poor farmer who buys of him to bear the burden of his rascality in the increased price of the goods they buy. Every shiftless farmer who in like manner defrauds the merchant adds another burden to his hard-working, honest neighbor, who is forced to suffer loss of credit thereby, to pay still higher prices for food and clothing and higher interest for money harder to borrow. This provision of the law offers a shield for dishonesty and a premium for crime, and we earnestly urge its absolute repeal, while combining and modifying the provisions of sections Nos. 323 and 325. Code C. Pros. (Levisee, pages 95 and 96,) as above indicated.

To this end we invoke your earnest efforts as our representative. Make the law alike a protection to the honest debtor against his unscrupulous creditor and to the honest creditor against dishonest and fraudulent debtors, and nothing, we believe, can be done by you more beneficial to our credit, or that will give a greater impetus to our prosperity as a people.

Respectfully, yours,
JOSEPH HAGER et al.

THIRD READING OF HOUSE BILLS.

House Bill No. 78,

A bill to establish and define the boundaries of Morton county,

Was read the third time and placed on its final passage,

The roll being called there were ayes, 40; nays, none; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Fellows, Greene, Morris, Patten of Miner, Royer, Terrill, Wolzmuth.

So the bill passed and

Its title was agreed to.

House Bill No. 43,

A bill for an act to amend an act entitled an act to amend an act to create the office of district attorney, etc.,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those voting in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt Shook, Sprague, Stewart, of Fall River, Terrill, Ward, Williams, of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Hobart, Royer, Stewart of Walsh, Sullivan, White, Williams of Burleigh.

So the bill passed and its title was agreed to.

House Bill No. 41,

A bill for an act to amend sections 15 and 16 of chapter 122 of the Laws of 1881,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 46; nays, none; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Greene, Stewart of Walsh.

So the bill passed and

Its title was agreed to.

The speaker announced his signature to Council Bills Nos. 90 and 97.

Messrs. White and Wyman were excused and announced as paired until Tuesday afternoon on all questions.

Mr. White moved

That the House resolve itself into a committee of the whole to consider House Bill No. 81.

Mr. Sullivan moved

To lay the motion on the table,

Which motion prevailed and

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota, exercising the powers and jurisdiction of the district and circuit court of the United States,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 30; nays 16; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Williams of Burleigh, Wise.

Those who voted in the negative were:

Messrs. Aikens, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Ward, Williams of Grant, Wolzmuth, Mr. Speaker.

Messrs. White and Wyman being excused.

So the bill passed and

Its title was agreed to.

Mr. Mentzer moved

To reconsider the vote by which House Bill No. 81 was passed.

Mr. Stewart of Fall River moved

To lay the motion to reconsider on the table,

Which motion prevailed, and

The House proceeded to the consideration of House Bill No 37, the special order for the day.

Mr. Hobart moved

That the House resolve itself into a committee of the whole to consider House Bill No. 37,

Which motion was withdrawn.

Mr. Cook was excused until Tuesday at noon.

Mr. Aikens, by unanimous consent, moved to amend section 1 of House Bill No. 37 by striking out the words "and all other benevolent orders, societies or associations," following the words "Grand Army posts," where it occurs therein,

Which amendment was adopted.

House Bill No. 37,

A bill for an act to amend article II, chapter 3, part 3, of division 2, of the Civil Code, entitled "Insurance Corporations,"

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 41; nays, 3; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth. Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Ruggles, Schnaidt.

Absent and not voting:

Mr. Sullivan.

Messrs. Cook, White and Wyman being excused.

So the bill passed and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
January 28, 1887.

To the Honorable, the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved

House Bill No. 88, entitled

A bill for an act providing for the extension of the time for the payment of the taxes of 1886,

GILBERT A. PIERCE.
Governor.

The speaker announced the following changes of committees:

Mr. Morris as chairman of Election and Privileges in place of Mr. Berry, resigned.

Mr. Ensign moved that the House adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

NINETEENTH DAY.

BISMARCK, D. T., January 29, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Roll called.

All members present except Messrs. Adams, Cooke, Greene, Jones, Moore and Wyman, excused.

The committee to revise and correct the House Journal made the following report:

BISMARCK, Jan. 29, 1887.

MR. SPEAKER:

The committee to revise and correct the Journal of the House have examined the Journal of January 28, 1887, and find it correct as printed.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
January 29, 1887.

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 67,

A bill for an act authorizing cities to refund outstanding bonded indebtedness.

Also,

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter 12 of Code of Civil Procedure, relating to trials and judgments in civil actions.

Also,

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the attorney general in relation thereto.

Also,

Council Bill No. 85,

A bill for an act to repeal chapter 105 of the Laws of 1883, entitled an act to amend section 197, article 4, of the Code of Civil Procedure,

Which have been passed by the Council, and your favorable consideration is respectfully requested.

Also,

Return herewith

House Bill No. 31,

A bill for an act to repeal chapter 31 of the General Laws of 1881.

Also,

House Bill No. 62,

A joint resolution providing for the opening of the Devils Lake Indian reservation,

Which have passed the Council without change.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
January 29, 1887.

MR. SPEAKER:

I have the honor to inform the House of Representatives that the Council has concurred in the report of the Committee on Joint Rules, adopting the following resolution:

RESOLVED, By the Council, the House of Representatives concurring, That the joint rules of the Council and House of Representatives in force at the close of the last session of the Legislature of this Territory be and the same are hereby adopted as the joint rules of the two Houses for the

Seventeenth Session of the Legislative Assembly of Dakota.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart of Fall River, moved

That the sergeant-at-arms procure weather-stripping and have the windows of the hall of the House of Representatives fixed to exclude cold and wind,

Which motion prevailed.

Mr. White moved to adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-FIRST DAY.

BISMARCK, January 31, 1887.

The House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Bidlake, Cook and Wyman excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to examine and revise the Journal have examined that of January 29, 1887, and find the same correct as printed.

D. W. ENSIGN,
C. I. MILTIMORE.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

The Committee on Federal Relations have had under consideration House Bill No. 63, memorial to Congress for the improvement of the Yellowstone National Park and report favorably.

F. M. SHOOK,
Chairman.

MR. SPEAKER :

The Judiciary Committee have considered Council Bill No. 10 and report it back to the House without further recommendation than that it be made a special order for Friday next.

Respectfully submitted,
FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend that House Bill No. 97 be referred to the Committee on Temperance, and that House Bill No. 68 be referred to the Committee on Military affairs. That House Bill No. 65 and House Hill No. 91 do not pass.

The committee recommend that House Bill No. 94 do pass.

The committee have also under consideration House Bill No. 51, and recommend the following amendments, and that as amended it do pass. That is to say :

First : After the words "section 2" where they occur in said act insert the words "section 680."

Second : By striking out all of section 3 in said bill and inserting in lieu thereof after the words "section 3" the following : "That sections 681 and 682 of the Code of Civil Procedure be and the same are hereby repealed."

Third : By striking out all of section 4 in said bill after the words "section 4" and inserting in lieu thereof the following : "All acts or parts of acts in conflict with the provisions of this act are hereby repealed."

Respectfully submitted,
FRANK R. AIKENS.
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under conderation House Bill No. 6 and recommend that it do pass.

Also,

House Bill No. 36 and recommend that it do pass with an appropriation of $500, or so much thereof as may be needed for publishing 2,500 copies of the Governor's Message in the Scandinavian language and 2,500 copies in German language.

WM. N. BERRY,
Chairman.

REPORTS OF SPECIAL COMMITTEE.

The committee of conference on the disagreeing votes of the two houses on House Joint Resolution No. 5 and the Council amendment thereto, providing for the purchase of Levisee's Code with the Session Laws of 1885 bound therein, having met, after full and free conference, have agreed to recommend, and do recommend to their respective houses as follows:

That the Council recede from all that portion of the Council amendment after the words "to be" in the third line thereof, which reads as follows, to-wit: "to be" (at the end of the fifth line thereof) and by inserting in lieu thereof the following: "for the use of the members of the Legislature, but to remain the property of the Territory, and the secretary shall take the individual receipt of each member receiving such Code, which Code shall be returned to the secretary of the Territory at the close of the session, unless the same shall be paid for by the member desiring to retain the same for his own use at the price of nine dollars per volume"—and agree to the same.

That the House concur in that part of the Council amendment commencing after the words "per value" on the seventeenth line thereof, which reads as follows: "and that the sum of six hundred and forty-eight dollars, or so much thereof as may be necessary to pay, is hereby appropriated out of any funds in the Territorial treasury not otherwise appropriated to pay for such Codes"—and agree to the same.

JOHN CAIN,
T. O. BOGERT,
C. H. SHELDON,
Managers on the part of the Council.
E. A. WILLIAMS,
J. W. BURNHAM,
FRANK R. AIKENS,
Managers on the part of the House.

Mr. Williams of Burleigh, moved

That the report of the committee of conference be adopted,

Which motion prevailed.

MOTIONS AND RESOLUTIONS.

Mr. Green moved

That House Bill No. 91 be made a special order for next Monday, at 3 p. m.

Which motion prevailed.

Mr. Mentzer moved

That the report of the Judiciary Committee on Council Bill No. 10, recommending that said bill be made a special order for next Friday, be accepted and adopted, and said bill be made a special order for next Friday, at 3 o'clock p. m,

Which motion prevailed.

Mr. Stewart of Fall River moved the adoption of the following resolution,

Which motion prevailed.

Resolved, That Rule No. 30 as adopted by this House be amended as follows: And that no bill of the House shall be put upon its final passage until properly engrossed and read in full before the vote is taken.

Also,

That Rule No. 41 be amended as follows: The Committee on Engrossment shall examine all engrossed House bills and report them to the House when correctly engrossed.

Mr. Williams of Burleigh, moved

That the further consideration of House Bill No. 65 be indefinitely postponed.

Yeas and nays demanded.

The roll being called there were ayes, 16; nays, 28; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Cooper, Dutch, Fletcher, Glendenning, Harkins, Hubbard, Mallory, Moore, Patten of Miner Schnaidt, Shook. Terrill, Williams of Burleigh, Wise.

Those who voted in the negative were:

Messrs. Aikens, Berry, Dodds, Elliott, Ely, Ensign, Fellows, Gilbert, Greene, Hawk, Hobart, Jones, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Wolzmuth, Mr. Speaker.

Absent and not voting:
Mr. Sullivan.

Messrs. Bidlake, Cook and Wyman being excused.

So the motion to indefinitely postpone the bill was lost.

Mr. Ensign then moved
To refer the bill to the committee on elections and privileges.

Mr. Sullivan moved
To amend by substituting the committee on counties,
Which amendment prevailed,
And the original motion as amended was adopted, and
The bill referred to the committee on counties.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Aikens introduced—
House Bill No. 112,
A bill for an act to provide for the cancellation and forfeiture of insurance policies,
Which was read the first time.

Also,
Joint Resolution No. 113,
A bill for an act limiting the time in which to introduce bills and resolutions,
Which was read the first time.

Mr. Burnham introduced—
House Bill No. 114,
A bill for an act to amend chapter 112 of the General Laws of Dakota for 1883, relating to township government,
Which was read the first time.

Mr. Terrill introduced
House Bill No, 115,
A bill for an act to regulate the salaries of county treasurer and register of deeds,
Which was read the first time.

Mr. Mallory introduced
House Bill No. 116,
A bill for an act to amend section 7 of chapter 63 of the General Laws of 1885,

Which was read the first time.

Mr. Wolzmuth introduced

House Bill No. 117,

A joint resolution providing for the printing of Long's Legislative Hand Book,

Which was read the first time.

Mr. Sullivan moved

To suspend the rules and that Joint Resolution No. 117 be given its second reading and referred to the Committee on Appropriations,

Which motion prevailed.

Mr. Fletcher introduced—

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 119.

A bill for an act relating to fees for filing by registers of deeds,

Which was read the first time.

Mr. Wise (by request) introduced—

House Bill No. 120,

A bill for an act to prevent the spread of contagious diseases among live stock,

Which was read the first time.

Mr. Ensign asked for unanimous consent that House Bill No. 55 be taken up and considered at this time.

There being no objection, the chair so ordered, and

House Bill No. 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of principal and interest thereof,

Was taken under consideration and recommitted to the Committee on Ways and Means, together with the amendments of Mr. Ensign.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 67,

A bill for an act authorizing cities to refund outstanding bonded indebtedness,

Was read the first time.

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter 12 of Code of Civil Procedure, relating to trials and judgments in Civil actions,

Was read the first time.

Council Bill No. 85,

A bill for an act to repeal chapter 105 of the Laws of 1885, entitled an act to amend section 197, article 4, of the Code of Civil Procedure,

Was read the first time.

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the attorney general in relation thereto,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 19,

A bill for an act relating to marriages and the registration thereof.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 51,

A bill for an act to amend section 1, of chapter 117, of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served during the war of the rebellion,

Was read the second time and

Referred to the Committee on Military Affairs.

Council Bill No. 56,

A bill for an act in relation to preliminary examinations of persons charged with crime,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 58,

A bill for an act to amend section 28 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election, powers and duties of county officers,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Proceedure relating to the filing of papers in proceedings by attachment,

Was read the second time and

Refered to the Committee on Judiciary.

Council Bill No. 81,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same,

Was read the second time and

Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 107,

A bill for an act increasing the term of residence required before beginning a suit for divorce,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 108,

A bill for an act entitled an act relating to the office of notary public,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 109,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 110,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

Was read the second time and

Referred to the Committee on Judiciary,

House Bill No. 111,

A bill for an act to assess and tax railroads and railroad property,

Was read the second time and

Referred to the Committee on Railroads.

Mr. Berry moved

That the rules be suspended and that the further reading of House Bill No. 111, at length, be dispensed with.

Which motion prevailed.

THIRD READING OF HOUSE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

House Bill No. 6,

A bill for an act to appropriate for the support of fire departments of each city, town, village, or other municipal corporation, a part of the tax paid by fire insurance companies upon premiums received by them in any such town, village or city,

Was read the third time, and placed on its final passage.

The roll being called there were ayes, 43; nays, none; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Aikins, Dutch.

Messrs. Bidlake, Cook and Wyman being excused.

So the bill passed and

Its title was agreed to.

Mr. Aikens asked unanimous consent to suspend the rules and amend House Bill No. 63 by striking out the words, in line 3, "and in many places impracticable,"

Which motion prevailed.

Mr. Williams of Burleigh, moved

That the rules be suspended and that the bill be read the third time and placed upon its final passage,

Which motion prevailed.

House Bill No. 63,

A memorial to Congress for the improvement of the Yellowstone National Park,

Was then read the third time and placed on its final passage.

The roll being called there were ayes, 43; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth. Mr. Speaker.

Those who voted in the negative were:

Mr. Stewart of Fall River.

Absent and not voting:

Mr. Dutch.

Messrs. Bidlake, Cook and Wyman being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 32; nays, 10; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Cooper, Hobart, Jones, Patton of Lawrence, Patten of Miner, Shook, Sullivan, White, Williams of Grant..

Absent and not voting:

Mr. Dutch.

Messrs. Bidlake, Cook and Wyman being excused.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Stewart of Fall River, moved

That the House resolve itself into a committee of the whole for consideration of general orders,

Which motion prevailed and

The speaker called Mr. Hawk to the chair.

The committee rose and

Mr. Hobart moved

To adjourn,

Which motion prevailed and

The House

Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-SECOND DAY.

BISMARCK, D. T., February 1, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cook, Dutch and Wyman, excused.

The committee to revise and correct the House Journal made the following report:

BISMARCK, Feb. 1, 1887.

MR. SPEAKER:

The committee to revise and correct the Journal of the House have examined the Journal of January 31, 1887, and find it correct, except the following portion omitted on page 5 after the words "So the motion to indefinitely postpone was lost," and recommend that the omission be supplied and that the Journal as so corrected be approved:

Mr. Ensign then moved to refer the bill to the Committee on Elections and Privileges

Mr. Sullivan moved to amend by substituting the Committee on Counties, Which amendment prevailed, and

The original motion as amended was adopted, and

The bill referred to the Committee on Counties.

Respectfully
D. W. ENSIGN,
C. I. MILTIMORE
J. G. HAMILTON.

And the Journal as so corrected was approved.

By unanimous consent the House proceeded to the consideration of the report of the committee of the whole for January 31, 1887, and the chairman presented the following report:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 17,

A bill for an act to amend section 328, Code of Civil Procedure, and recommend the substitution therefor the bill recommended by the Judiciary Committee, and that said substitute bill do pass.

Also,

House Bill No. 7,

A bill for an act to amend sections 29 and 31, sub-chapter 2 of chapter 112, Session Laws of 1883, and recommend that it be amended by inserting as section 3: "All acts or parts of acts in conflict with the provisions of this act are hereby repealed," that section 3 of the original bill become section 4 of the amended bill, and that when so amended the bill do pass.

Also,

House Bill No. 36,

A joint resolution provididing for printing the Governor's Message in the Scandinavian language,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 51,

A bill for an act to repeal section 680, to amend section 681 and to repeal section 682. chapter 33, Code of Civil Procedure,

And recommend the adoption of the following amendments proposed by the Judiciary Committee of the House: 1, After the words "section 2," where they occur in said acts, insert the words "section 680." 2. By striking out all of section 3 in said bill, and inserting in lieu thereof, after the words "section 3," the following: That sections 681 and 682 of the Code of Civil Procedure, be and the same are hereby repealed. 3. By striking out all of section 4 in said bill after the words "section 4," and inserting in lieu thereof the following: "All acts and parts of acts in conflict with the provisions of this act are hereby repealed, and recommend the passage of the bill as so amended.

Also,

Council Bill No. 9,

A bill for an act entitled an act amending chapter 40 of the Fifteenth general assembly,

And recommend that the bill be amended by adding after section 3 of said bill the following:

SEC. 4. All acts and parts of acts inconsistent with or contrary to the provisions of this act, are hereby repealed so far as they conflict with the same.

SEC. 5. This act shall be in force and take effect from and after its passage and approval, and recommend the passage of the bill when so amended,

W. J. HAWK,
Chairman.

Mr. Burnham moved,

That the report of the committee of the whole be adopted,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Counties respectfully report that they have considered

House Bill No. 84, and recommend that it pass.

Also,

House Bill No. 101, and recommend that it do not pass.

Also,

House Bill No. 98, and recommend that it do not pass.

Also,

Council Bill No. 75,

And

House Bill No. 104, and recommend that these bills be referred to the Judiciary Committee.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under consideration

Council Bill No. 5,

A joint resolution providing for certain public printing and making an appropriation for the same,

And report it back, with a recommendation that it do pass.

Also,

House Bill No. 30,

Providing for payment of services of assistant clerks of the house,

And recommend that further action of the same be indefinitely postponed.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was recommitted

Honse Bill No. 55, with amendments, report the same back, and recommend that it do pass as amended.

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under conderation

Joint Resolution No. 117,

Providing for the printing of Long's Legislative Hand Book,

And respectfully report it back with the recommendation that it do pass.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

Joint Resolution and Memorial No. 62,

And find it correctly engrossed and enrolled.

Also,

Have examined

House Bill No. 31,

And find it correctly engrossed and enrolled.

Also,

Have examined

House Bill No. 78,

And find it correctly engrossed and enrolled.

Respectfully,
A. J. PRUITT,
Chairman.

By unanimous consent, Mr. Burnham moved

To reconsider the vote by which House Bill No. 6 passed,

Which motion prevailed and

Mr. Burnham, by unanimous consent, presented the following amendment thereto:

Strike out of section 4 of the bill the following words commencing at the word "the" in the fifth line of said section: "equal to two per cent. of premiums received by any fire insurance companies in any," etc.

Mr. Mentzer moved

The adoption of the amendment,

Which motion prevailed.

The speaker announced his signature to Council Bills Nos. 13, 21 and 24 and House Bills Nos. 31 and 62.

MOTIONS AND RESOLUTIONS.

Mr. Sprague moved

That the House do now reconsider House Bill No. 94, and that it be made a special order for Friday, at 3 o'clock p. m.

Mr. Aikens moved

To lay the motion to reconsider on the table.

Yeas and nays demanded.

The roll being called there were ayes, 24; nays 21; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Pruitt, Ruggles, Stewart of Fall River, Terrill, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Berry, Cooper, Elliott, Fletcher, Hobart, Hubbard, Jones, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Mr. Speaker.

Messrs. Cook, Dutch, and Wyman being excused.

So the motion to lie on the table prevailed.

Mr. Sullivan moved

To reconsider the vote by which the House adopted the amendment to Rule 30.

Yeas and nays demanded.

The roll being called there were, ayes, 30; nays, 15; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Cooper, Dodds, Fellows, Fletcher, Gilbert, Glendenning, Hawk, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Elliott, Ely, Ensign, Greene, Harkins, Hobart, Hubbard, McDonell, Pruitt, Royer, Stewart of Fall River, Stewart of Walsh, White.

Messrs. Cook, Dutch and Wyman being excused.

So the motion to reconsider prevailed, and

On motion of Mr. Sullivan, the motion was referred to the Committee on Rules.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 121,

A bill for an act to amend an act providing for the compensation of justices of the peace of the Territory of Dakota,

Which was read the first time.

Also,

House Bill No. 122,

A bill for an act to limit the terms of service of any person in certain county offices.

Which was read the first time.

Mr. Dodds (by request) introduced—

House Bill No. 123,

A bill for an act declaring railroads public, and open to the regular or special trains of any corporation or individual paying a just toll therefor.

Which was read the first time.

Mr. Terrill introduced—

House Bill No. 124,

A bill for an act to amend section 1 of chapter 15 of the Session Laws of 1883,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 126,

A bill for an act to amend section 31, of sub-chapter 2, of chapter 112 of the General Laws of 1883

Which was read the first time.

Mr. Jones introduced—

House Bill No. 127,

A bill for an act to amend section 11, chapter 112, General Laws of 1883,

Which was read the first time.

Mr. McDonell introduced—

House Bill No. 128,

A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness. Approved March 12, 1885,

Which was read the first time.

Mr. Moore introduced—

Memorial No. 129,

Asking for the repeal of chapter 122 of Session Laws of 1881; and for the repeal of the road and school poll taxes,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 67,

A bill for an act authorizing cities to refund outstanding bonded indebtedness.

Was read the second time and

Referred to the Committee on Ways and Means.

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter 12 of Code of Civil Procedure, relating to trials and judgments in civil actions.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 85,
A bill for an act to repeal chapter 105 of the Laws of 1885 entitled an act to amend section 197, article 4, of the Code of Civil Procedure,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 79,
A bill for an act fixing the penalty for willful neglect of officers to make reports required by law, and prescribing the duties of the attorney general in relation thereto.
Was read the second time and
Referred to the Committee on Judiciary.

SECOND READING OF HOUSE BILLS.

House Bill No. 112,
A bill for an act to provide for the cancellation and forfeiture of insurance policies,
Was read the second time and
Referred to the Committe on Insurance.

Joint Resolution No. 113,
A bill for an act limiting the time in which to introduce bills and resolutions,
Was read the second time and
Referred to the Committe on Rules.

House Bill No. 114,
A bill for an act to amend chapter 112 of the General Laws of Dakota for 1883, relating to township government,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No, 115,
A bill for an act to regulate the salaries of county treasurer and register of deeds,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 116,
A bill for an act to amend section 7 of chapter 63 of the General Laws of 1885,
Was read the second time and
Referred to the Committee on Public Health.

House Bill No 118,

A bill for an act to secure certain rights and privileges to honorably discharge soldiers and sailors,

Was read the second time and

Referred to the Committee on Military Affairs.

House Bill No. 119,

A bill for an act relating to fees for filing by registers of deeds,

Was read the second time and

Referred to the Committee on Counties.

The Committee on Enrolled and Engrossed Bills made the following report:

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully report that

House Bill No. 31

And

Joint Resolution and Memorial No. 62

Have been delivered to his Excellency the Governor.

A. J. PRUITT,
Chairman.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 9,

A bill for an act to amend an act amending chapter 40 of the Special Laws of the Fifteenth Legislative Assembly,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 41; nays, 1; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. McDonell.

Absent and not voting:

Messrs. Pruitt, Schnaidt, White.

Messrs. Cook, Dutch and Wyman being excused.

So the bill passed and
Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Williams, of Burleigh, moved
That the House now resolve itself into committee of the whole to consider general orders.

Which motion prevailed.

The speaker called Mr. Williams, of Burleigh, to the chair.

When the committee rose, the following report was presented:

MR. SPEAKER:
The committee of the whole have had under consideration
House Bill No. 77,
And recommend that the further consideration of the bill be postponed until February 7, 1887.

Also,
House Bill No. 30,
And recommend that the further consideration of the bill be indefinitely postponed,

Also,
Council Bill No. 5,
And recommend that the bill do pass.

Also,
House Bill No. 84,
And recommend that the further consideration of the bill be indefinitely postponed.

Also,
House Bill No. 101,
And recommend that the further consideration of the bill be indefinitely postponed.

Also,
House Bill No. 98,
And recommend the striking out of the words "both" and "and" in section 1 and substituting in lieu thereof the words "either" and "or."

Also, to strike out the word "some" in line 2, and strike out "attorney" and insert "counsel" in line 3, and recommend the passage of the bill as so amended.

Also,
House Bill No. 104,
And
Council Bill No. 75,
And recommend they be referred to the Judiciary Committee.

Also,
House Bill No. 56,
And recommend the passage of the bill as amended by the Judiciary Committee.

E. A. WILLIAMS,
Chairman.

Mr. Hawk moved
That the report be adopted,
Which motion prevailed.

By unanimous consent the Committee on Appropriations presented the following report:

MR. SPEAKER:
The Committee on Appropriations have considered the joint resolution for the printing of Long's Legislative Hand Book, and report the same back to the House with the recommendation that it do pass.

Respectfully,
WM. BERRY,
Chairman.

Mr. Greene, by unanimous consent, moved
That House Bill No. 51 be recommitted to the Judiciary Committee.
Which motion was lost.
Mr. Sullivan moved
To adjourn, which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-THIRD DAY.

BISMARCK, February 2, 1887.

The House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cook, Dutch, Fellows and McDonell, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal, have examined that of February 1, 1887, and find the same correct as printed, except the omission of the figure 4, after the word chapter, on page 3, and on page 5 strike out the words "equal to two per cent. of tax," and substitute the the words "equal to two per cent of premiums received by any fire" etc.

C. I. MILTIMORE.
J. G. HAMILTON.
D. W. ENSIGN.

The Journal as corrected was approved.

Mr. Patten, of Minor, moved

To dispense with further reading of the Journal,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February, 2, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 47,

A bill for an act making it the duty of county treasurers to certify to abstracts of title to real estate when requested and providing compensation for the same,

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code,

Council Bill No. 94,

A bill for an act to amend section 1 of chapter 17 of the Political Code in relation to notaries public,

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Which bills have been passed by the Council, and in behalf of that body your favorable consideration of the same is asked.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
Feburary 2, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws,

Which bill the Council has this day passed under a suspension of the rules, deeming it important that the books be furnished for the use of the Legislative Assembly, and for distribution by the secretary at as early a date as practicable. Your favorable consideration thereof is asked.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Aikens moved

That the rules be suspended and that the House now resolve itself into a committee of the whole to consider general orders.

The motion prevailed, and the speaker called

Mr. Harkins to the chair.

When the committee rose the following report was presented:

Mr. Speaker.

The committee have had under consideration

House Bill No. 106

And recommend that it be made a special order for Wednesday Feb. 9, 1887.

Also,

Council Bill No. 41,

And recommend the passage of the bill.

Also,

Council Bill No. 56,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 107,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 52,

And recommend the passage of the bill.

Also,

House Bill No. 68,

And recommend that the word "supervisors" be stricken out and the word "commissioners" inserted in lieu thereof and recommend the passage of the bill as so amended.

Also,

House Bills Nos. 96, 57 and 89,

And recommend that they be made special orders for Tuesday, February 8, 1887, for 3 o'clock p. m.

Also,

Council Bill No. 34,

And recommend that the further consideration of the bill be indefinitely postponed.

Respectfully,
A. A. Harkins,
Chairman.

Mr. Royer moved

That the report of the committee be adopted, except so much thereof as relates to Council Bill No. 34,

Which motion prevailed, and

Mr. Williams of Burleigh, by unanimous consent, moved

To recommit the bill to the Judiciary Committee.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication from the acting Governor was then presented:

EXECUTIVE OFFICE,
February 2, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House of Representatives that I have approved

House Bill No. 31, entitled

A bill for an act to repeal chapter 31 of the General Laws of 1881.

M. L. MCCORMACK,
Acting Governor.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Judiciary Committee have had under consideration the following bills and report them back to the House and recommend their passage:

Council Bills Nos. 51, 76, 81 and 85.

Respectfully submitted,
FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Military Affairs have had under consideration

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served during the war of the rebellion,

And recommend its passage.

Also,

House Bill No. 68,

A bill for an act to prevent the wearing of G. A. R. badges unlawfully,

And recommend its passage.

Also,

House Bill No. 57,

A bill for an act providing for the establishing and building a soldiers' home and providing funds for the same.

Also,

House Bill No. 89,

A bill for an act to incorporate a home for the relief of the survivors of the honorably discharged soldiers and sailors of the war of 1861,

Also,

House Bill No. 96,

A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,

We recommend that the latter mentioned three (3) bills be referred to the House in committee of the whole, Tuesday, Feb. 8, 1887, at 3 o'clock p. m.

A. A. HARKINS,
Chairman.

MR. SPEAKER:

The Judiciary Committee report as follows:

They recommend the passage of the following bills:

Council Bill No. 41 and House Bill No. 106.

The committee recommend that

House Bill No. 56,

Be amended by adding the following words, to be designated section 3: "That all acts or parts of acts in conflict with the provisions of this act are hereby repealed," an that section 3 of the bill as introduced be numbered "se tion 4," and that as amended the bill do pass.

The following bills are returned, with the recommendation that they do not pass.

Council Bill No. 26 and House Bill No. 107.

Respectfully submitted,
FRANK R. AIKENS.
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 2, 1887.

MR. SPEAKER:

I have the honor to announce that the Council has adopted the report of the conference committee on

House Bill No. 5,

A joint resolution providing for the purchase of seventy-two copies of Levisee's Codes,

Receding from its amendment thereto and appropriating a sum not exceeding $648 in payment therefor. The bill, which has been inadvertently transmitted to the Council, is herewith returned to you.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cooper introduced—

House Bill No. 130,

A bill for an act relating to the duties of county attorneys in case of claims of workingmen,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 131,

A bill for an act to amend article 7 of chapter 12 of the Code of Civil Procedure,

Which was read the first time.

Mr. White introduced—

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply townships with necessary books and blanks,

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session of 1885 entitled tree planting,

Which was read the first time.

Mr. Moore introduced—

House Bill No. 134,

A bill for an act to repeal section 66, chapter 29, of the Political Code,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 47,

A bill for an act making it the duty of county treasurers to certify to abstracts of titles to real estate, when requested and providing compensation for the same,

Was read the first time.

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code,

Was read the first time.

Council Bill No. 94,

A bill for an act to amend section 1, of chapter 17, of the Political Code, in relation to notaries public,

Was read the first time.

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Was read the first time.

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws,

Was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 5,

A joint resolution providing for certain printing,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays, none; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Fellows, Hobart, McDonell, Miltimore, White.

Messrs. Cook, Dutch; and Jones, being excused.

Mr. Aikins moved

That the rules be suspended, and that

Council Bill No. 138

Be passed to its third reading and placed upon its final passage.

Which motion prevailed, and

Council Bill No. 138,

A joint resolution providing for the purchase of Session Laws,

Was then read the third time and placed on its final passage.

The roll being called there were ayes, 29; nays, 14; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Elliott, Ely, Glendenning, Harkins, Hobart, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those who voted in the negative were:
Messrs. Bidlake, Ensign, Fletcher, Gilbert, Hawk, Hubbard, Jones, Mallory, Moore, Shook, Stewart of Walsh, Sullivan, Terrill, Mr. Speaker.

Absent and not voting:
Messrs. Greene and McDonell.

Messrs. Cook, Dutch and Fellows being excused.

So the bill passed and its title was agreed to.

Mr. Williams, of Burliegh, by unanimous consent moved
That Council Bill No, 34
Be printed as amended,
Which motion prevailed.

Mr. Elliott moved
To adjourn, which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-FOURTH DAY.

BISMARCK, D. T., February 3, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cook and Dutch, excused.

The committee to revise and correct the Journal presented the following report:

MR. SPEAKER:

The committee to revise and correct the Journal has examined that of Feb. 2, 1887, and find the same correct as printed and recommend its approval.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Stewart of Fall River, moved

That the reading at length of the Journal be dispensed with,

Which motion prevailed, and

The Journal of the preceding day was approved.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
February 3, 1887.

The following message was received from the Council:

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 29,

A bill for an act to amend sections 37 and 43, of chapter 28 of the Political Code, Which bill has been passed by the Council unchanged; and to transmit and ask your concurrence in the passage of

Council Bill No. 96, (Substitute)

A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota.

Council Bill No. 128,

A bill for an act to amend the name of the Moravian society of township 139, range 52,

And

Council Bill No. 142,

A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown.

To which your early attention is invited.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Adams, by unanimous consent, moved

That the House do now reconsider the vote whereby Council Bill No. 138 was passed,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

The Committee on Military Affairs have had under consideration,

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors,

And recommend that it do pass.

A. A. HARKINS,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined House Bill No. 6

And find it correctly engrossed and enrolled.

Also,

Have examined Joint Resolution No. 5

And find it correctly engrossed and enrolled.

Also,

Respectfuly reports that Joint Resolution No. 5

Has been delivered to the Acting Governor.

Also,
Have examined House Bill No. 51
And find it correctly engrossed and enrolled.
Also,
Have examined House Bill No. 94,
And find it correctly engrossed and enrolled.
Also,
Have examined House Bill No. 17,
And find it correctly engrossed and enrolled.
Also,
Have examined House Bill No. 63,
And find it correctly engrossed and enrolled.
Also,
Have examined House Bill No. 7,
And find it correctly engrossed and enrolled.

Respectfully,
A. J. PRUITT,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Glendenning introduced—
House Bill No. 135,
A bill for an act to amend section 77 of chapter 112, Laws of 1883, relating to the town board of auditors,
Which was read the first time.

Mr. Aikens introduced—
House Bill No. 136,
A bill for an act in relation to the rendition of fugitives from justice,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 96,
A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,
Was read the first time.
Council Bill No. 128,
A bill for an act to amend the name of the Moravian Society of township 139 north, range 52 west,
Was read the first time.

Council Bill No. 142,
A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 47,

A bill for an act making it the duty of county treasurers to certify to abstracts of titles to real estate, when requested and providing compensation for the same,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code.

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 94,

A bill for an act to amend section 1,of chapter 17, of the Political Code, in relation to notaries public,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Was read the second time and

Referred to the Committee on Counties.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 41,

A bill for an act to amend section 384 of chapter 3 of the Civil Code,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 43; nays, 3; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams, of Grant, Williams, of Burleigh, Wise, Wolzmuth, Wyman, Mr.Speaker.

Those who voted in the negative were:

Messrs. Cooper, Morris, Stewart of Walsh.

Messrs. Cook, and Dutch, being excused.

So the bill passed, and
Its title was agreed to.

Council Bill No. 51,

A bill for an act to amend section 1, of chapter 117, of the laws passed at the Sixteenth Legislative Assembly, approved March 13, 1885.

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 37; nays, 3; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Sullivan, Williams of Grant.

Absent and not voting:

Messrs. Adams, Berry, Ely, Jones, McDonell, Morris.

Messrs. Cook and Dutch being excused.

So the bill passed, and
Its title was agreed to.

Council Bill No. 81,

A bill for an act to amend an act entitled an act to provide for the organization of civil townships and the government of the same,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 32; nays, 7; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Ward, White, Wise, Wolzmuth. Mr. Speaker.

Those who voted in the negative were:

Messrs. Mallory, Miltimore, Sprague, Stewart of Walsh, Terrill, Williams of Grant, Wyman.

Absent and not voting:

Messrs. Aikens, Moore, Patten of Miner, Pruitt, Stewart of Fall River, Sullivan, Williams of Burleigh.

Messrs. Cook and Dutch being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 76,

A bill for an act to amend sections 266 and 268 of chapter 12 of Code of Civil Procedure, relating to trials and judgments in Civil actions,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 44; nays, 1; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlade, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Hobart.

Absent and not voting:

Mr. Jones.

Messrs. Cook and Dutch being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 52,

A bill for an act concerning the burial of soldiers, sailors or marines who served in the Union army during the war of the rebellion,

Was read the third time, and placed on its final passage.

The roll being called there were ayes, 43; nays 2; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Hawk, Hobart.

Absent and not voting:
Mr. Bidlake.

Messrs. Cook and Dutch being excused.

So the bill passed and
Its title was agreed to.

Mr. Sullivon moved
To indefinitely postpone the consideration of Council bill No. 85.

Yeas and nays demanded.

The roll being called there were ayes, 26; nays, 20; not voting, 2.

Those who voted in the affirmative were:
Messrs. Adams, Berry, Bidlake, Burnham, Cooper, Elliott, Ely, Fellows, Gilbert, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Schnaidt, Shook, Sprague, Sullivan, Terrill, Williams of Grant, Wise, Wyman.
Those who voted in the negative were:
Messrs. Aikens, Dodds, Ensign, Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Patton of Lawrence, Patten of Miner, Pruitt, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Messrs. Cook and Dutch being excused.

So the motion to indefinately postpone Council Bill No. 85, prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 120,
A bill for an act to prevent the spread of contagious diseases among live stock,
Was read the second time and
Referred to the Committee on Public Health.

House Bill No. 121,
A bill for an act to amend an act providing for the com-

pensation of justices of the peace of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 122,
A bill for an act to limit the terms of service of any person in certain county offices.
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 123,
A bill for an act declaring railroads public, and open to the regular or special trains of any corporation or individual paying a just toll therefor.
Was read the second time and
Referred to the Committee on Railroads.

House Bill No. 124,
A bill for an act to amend section 1 of chapter 15 of the Session Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 125,
A bill for an act to prevent trespass by hunters and others,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 126,
A bill for an act to amend section 31, of sub-chapter 2, of chapter 112 of the General Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 127,
A bill for an act to amend section 11, chapter 112, General Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 128,
A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness, approved March 12, 1885,
Was read the second time and
Referred to the Committee on Education.

Memorial No. 129,

Asking for the repeal of chapter 122 of Session Laws of 1881; and for the repeal of the road and school poll taxes,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 130,

A bill for an act relating to the duties of county attorneys in case of claims of workingmen,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 131,

A bill for an act to amend article 7 of chapter 12 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply townships with necessary books and blanks,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled tree planting,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 134,

A bill for an act to repeal section 66, chapter 29, of the Political Code,

Was read the second time and

Referred to the Committee on Judiciary,

The speaker announced his signature to Council Bills Nos. 21 and 24 and House Bill No. 5.

THIRD READING OF HOUSE BILLS.

House Bill No. 55,

A bill for an act entitled an act authorizing and empowering the organized counties of Dakota Territory to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of principal and interest thereof,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 36; nays, 7; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Lawrence, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Hubbard, Jones, Pruitt, Royer, Terrill, Wise.

Absent and not voting:

Messrs. Ely, Mentzer, Patten of Miner.

Messrs. Cook and Dutch being excused.

So the bill passed, and

Its title was agreed to.

Substitute for House Bill No. 17,

A bill for an act to amend section 328 of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 45; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Ely.

Messrs. Cook and Dutch being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 68,

A bill for an act to prevent the wearing of G. A. R. badges unlawfully,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 24; nays, 19; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Ensign, Gilbert, Harkins, Hawk, Hobart, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Burnham, Cooper, Dodds, Fellows, Glendenning, Greene, Hubbard, Jones, Mallory, Patten of Miner, Pruitt, Schnaidt, Sullivan, Terrill, White, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Ely, Fletcher.

Messrs. Cook and Dutch being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the Session Laws of 1883,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart, of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting,

Messrs. Ely, and Pruitt.

Messrs. Cook, and Dutch being excused.

So the bill passed, and

Its title was agreed to.

Joint Resolution No. 117,

Providing for the printing of Long's Legislative Hand Book,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 32; nays, 13; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Elliott, Ensign, Fellows, Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Gilbert, Hawk, Jones, Mallory, McDonell, Morris, Schnaidt, Shook, Terrill, Ward, White, Williams of Grant.

Absent and not voting:

Mr. Ely.

Messrs. Cook and Dutch being excused.

So the bill passed and

Its title was agreed to.

By unanimous consent Mr. Aikens presented the report of the Judiciary Committee and also introduced a bill.

MR. SPEAKER:

The Judiciary Committee have had under consideration

House Bill No, 114,

And report a substitute therefor, and recommend that the substitute bill do pass. They also return

House Bill No. 58,

And recommend that it be referred to the Committee on Elections and Privileges.

FRANK R. AIKENS, Chairman.

Mr. Mentzer moved

To adjourn,

Which motion prevailed and

The House

Adjourned.

W. G. EAKINS, Chief Clerk.

TWENTY-FIFTH DAY.

BISMARCK, February 4, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

Members all present except Messrs. Cook, Dutch, and Pruitt, excused.

The committee to revise and correct the Journal presented the following report:

MR. SPEAKER.

The committee to revise and correct the Journal have examined that of February 3, 1887, and recommend that "twenty-third" be stricken out on page one and "twenty-fourth" inserted; on page five, on passage of Council Bill No. 51, should read, "ayes, 37; nays, 3"; on page ten, instead of "substituted for House Bill No. 77," "substitute for House Bill, No. 17"; and with these corrections we recommend the approval of the Journal as printed.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

And the Journal as corrected was approved.

Mr. Dodds moved to dispense with the reading at length of the Journal.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

The following petitions and communications were presented:

FARGO, Dak., January 17, 1887.

HON. J. W. BURNHAM, Bismarck, Dak.

DEAR SIR: At a mass meeting of farmers of Cass county held at Fargo January 15, 1887, the following resolutions were adopted:

Resolved, That the highest legal rate of interest should be 10 per cent. per annum, including all commissions, bonuses and other charges of whatever name, and the taking of more than 10 per cent should work a forfeiture of all interest over and above 6 per cent.

Resolved, That we do hereby endorse the inter-state commerce bill now before Congress, and urge the speedy passage of the same.

Resolved, That we favor legislation by Congress looking to the reduction of the tariffs and a more equitable distribution of the same.

Resolved, That the fees of county treasurer, register of deeds. and other county officers be so regulated as not to exceed $3,000.00 in any one year.

Resolved, That a local option law should be passed, allowing each township, in organized counties, or each unorganized county to decide by vote whether license should be granted or not.

Resolved, That we hereby urge before Congress our just claims, entitling us to admission into the union as a state; that in reference to population, free schools and other conditions we stand out in the full and complete stature of a state demanding admission; that by not admitting us they are violating the most sacred principles on which our free government is founded.

Resolved, That a copy of these resolutions be sent to our members of the Legislature and to our delegate to Con gress.

PETER S. PETERSON,
Secretary.

Resolved, By Falconer Township Alliance No. 281, of Grand Forks county, that as taxpayers and residents of said county, and upon the broad grounds of public policy, we are entirely opposed to the passage of Council Bill No. 10, a bill for an act repealing sections 12 to 18, chapter 20, Special Laws of 1885, relating to salary and clerk hire of register of deeds of Grand Forks county.

Resolved, That a copy of the foregoing resolution be forwarded, duly authenticated by the president and secretary of this alliance, to the Hons. W. H. Fellows and L. D. Wyman, members of the House of Representatives from this county, and that we urgently request them to use their best endeavors to prevent the passage of said bill through the House.

Attest,

EDWARD CRYDERMAN, JAMES DUNN,
Secretary, President,
Grand Forks County Alliance, No. 281.

BRAMHALL, HYDE CO., DAK., Dec. 28, 1886.

We, the undersigned, petitioners to that honorable body, the Legislature of Dakota, do ask and pray for the passage of a law granting the right to levy a tax, upon the principle of the drain laws, for the purpose of sinking artesian wells to supply certain localities that are valueless for growing live stock because of the lack of an available water supply.

A. R. CRIFFIELD, et al.

Mr. Sullivan, by unanimous consent, moved

That the petition be referred to a special committee of five,

Which motion prevailed, and

The speaker appointed Messrs. Sullivan, Ward, Jones, Sprague and Dodds.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

Your Committee on Counties respectfully report that they have had under consideration

House Bill No. 119,

And recommend that it do not pass.

Also,

House Bill No. 42,

And recommend that it do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

The committee recommend the passage of

House Bill No. 131.

They have considered

House Bill No. 134,

And recommend that it do not pass. And after carefully considering

House Bill No. 130,

Recommend that it be indefinitely postponed.

They also recommend that

House Bill No. 64,

Which is returned herewith, be referred to the Committee on Highways, Roads and Bridges.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER.

Your Committee on Counties have had under consideration

House Bill No. 65,

And recommend that it do not pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 35,

And recommend that the bill be amended as follows:

That the word "knowingly" be inserted after the word "person" where it occurs in section five (5).

That the word "purchase" occurring in section six (6), twelfth line, be stricken out, and the word "purpose" be be substituted therefor.

Your committee further recommend that the bill as amended do pass.

DONALD STEWART,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined House Bill No. 56,

And find it correctly engrossed.

Also,

House Bill No. 29,

And find it correctly engrossed and enrolled,

Also,
House Bill No. 66,
And find it correctly engrossed and enrolled,
Also,
House Bill No. 68,
And find it correctly engrossed.

Also,
Respectfully reports that
House Bill No. 29,
Has been delivered to the Acting Governor.

Also,
Respectfully reports that they have delivered
House Bill No. 66,
To the Acting Governor.

A. S. STEWART,
Chairman, Pro Tem.

MOTIONS AND RESOLUTIONS.

Mr. Mallory introduced the following resolution:

Be it Resolved, That the respective committees to whom were referred portions of the Governor's Message be requested to report to this House February 11, 1887, what action has been taken by them in regard to said Message,
And
Moved its adoption.

Mr. Shook moved
To lay the motion upon the table,
Which motion was lost, and
The original motion prevailed.

Mr. Hobart introduced the following resolution:

Resolved, That the Territorial treasurer be requested to furnish the House a statement showing the balance of cash on hand belonging to all funds at the commencement of each quarter for the past six years. Also, that a special committee of five be appointed by the speaker to draft a bill requiring the treasurer hereafter to account to the Territory of Dakota for all interest received on any money deposited in banks by him, and requiring him to deposit the funds of the Territory,
And moved its adoption.

Mr. Sullivan moved
To lay the motion to adopt on the table.
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February 4, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 66,

A bill for an act to amend and re-enact section 2042 of the Civil Code of Dakota, and

House Bill No. 74,

A bill for an act to amend sub-division 1 of section 320 of chapter 26 of the Penal Code,

Which have passed the Council without change, and to inform you that the Council has refused to concur in House amendment to

Council Bill No. 9,

A bill for an act entitled an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham (by request) introduced—

House Bill No. 137,

A bill for an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

Which was read the first time.

Mr. Gilbert (by request) introduced—

House Bill No. 138,

A bill for an act to amend sections 73 and 74 of chapter 28 of the Political Code,

Which was read the first time.

Mr. Sullivan introduced--

House Bill No. 139,

A bill for an act to attach the counties of Pusho, Pratt, Meyer, Tripp, Gregory and Lyman to the county of Brule for judicial purposes,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 140,

A bill for an act to prevent swindling,
Which was read the first time.

Mr. Wolzmuth introduced—
House Bill No. 141,
A bill for an act to provide for the maintenance of the Spearfish normal school and other purposes,
Which was read the first time.

Mr. Hobart introduced—
House Bill No. 142,
A bill for an act to provide for the location of alleys in cities and in incorporated towns and villages,
Which was read the first time.

Mr. Hobart introduced—
House Bill No. 143,
A bill for an act to amend section 1, chapter 85 of the General Laws of 1883,
Which was read the first time.

Mr. Stewart of Walsh, introduced—
House Bill No. 144,
A memorial asking Congress for measures to protect the public school lands,
Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 96,
A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 128,
A bill for an act to amend the name of the Moravian Society of township 139 north, range 52 west,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 142,
A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown,
Was read the second time and
Referred to the Committee on Territorial Affairs.

SECOND READING OF HOUSE BILLS.

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112, Laws of 1883, relating to the town board of auditors,

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 136,

A bill for an act in relation to the rendition of fugitives from justice,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 51,

A bill for an act to repeal section 680, to amend section 681 and to repeal section 682, of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 36; nays, 4; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten, of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ely, Greene, Patton of Lawrence, Sullivan.

Absent and not voting:

Messrs. Dodds, Royer, Stewart of Fall River, Williams of Burleigh.

Messrs. Cook, Dutch, McDonnell, and Pruitt being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 7,

A bill for an act to amend sections 29 and 31 of sub-chapter 2 of chapter 112 of the Session Laws of 1883,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 35; nays, 5; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh. Sullivan, Terrill, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Patton of Lawrence, Patten of Miner, Shook, Ward.

Absent and not voting:

Messrs. Berry, Dodds, White, Williams of Burleigh.

Messrs. Cook, Dutch, McDonell and Pruitt being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 131,

A bill for an act to amend article 7 of chapter 12 of the Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dodds, Ensign.

Messrs. Cook, Dutch, McDonell and Pruitt being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 130,

A bill for an act relating to the duties of county attorneys in case of the claims of workingmen,

Was read the third time.

Mr. Cooper moved

That it be recommitted to the Judiciary Committee,

Which motion prevailed.

House Bill No. 119.

A bill for an act relating to fees for filing by the register of deeds,

Was read the third time.

Mr. Shook moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 118,

A bill for an act to secure certain rights and privileges to honorably discharged soldiers and sailors,

Was read the third time, and placed on its final passage.

The roll being called there were ayes, 36; nays 5; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cooper, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Greene, Patten of Miner, Ruggles, Sullivan, Williams of Grant.

Absent and not voting:

Messrs. Dodds, Elliott, Ely.

Messrs. Cook, Dutch, McDonell and Pruitt being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 65,

A bill for an act to amend section 7, chapter 21, of the Political Code

Was read the third time.

It was moved that the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 134,

A bill for an act to repeal section 66, chapter 29, of the Political Code,

Was read the third time.

Mr. White moved
To indefinitely postpone the consideration of the bill,
Which motion prevailed.

Mr. Berry by unanimous consent made the following amendment to
House Bill No. 40.
Provided, however, that the bounty shall not in any case exceed ten cents per dozen.
Which amendment was lost.

House Bill No. 40,
A bill for an act authorizing county commissioners and town supervisors to offer bounties for killing black birds was then read the third time and placed on its final passage.

The roll being called, there were ayes, 24; nays, 17; not voting, 7.

Those who voted in the affirmative were:
Messrs. Aikens, Burnham, Cooper, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Shook, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Berry, Bidlake, Elliott, Ely, Fellows, Greene, Hawk, Hobart, Jones, Mentzer, Morris, Ruggles, Schnaidt, Sprague, Sullivan, Williams of Grant, Wise, Wyman.

Absent and not voting:
Messrs. Adams, Dodds, Williams of Burleigh.

Messrs. Cook, Dutch, McDonell, and Pruitt being excused.

So the bill passed and
Its title was agreed to.

Mr. Stewart of Fall River, moved to suspend the rules and that
Joint Resolution No. 142,
Providing for the appointment of a committee to visit and examine the insane asylum at Jamestown,
Be read the second and third times and placed on its final passage.
Which motion prevailed.

Mr. Ward moved

To amend the resolution by providing that the asylum at Yankton shall also be visited.

Mr. Sullivan moved
To commit the subject matter to the Committee on Territorial Affairs.
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Fellows moved
That the House now resolve itself into a committee of the whole to consider
Council Bill No. 10.
Which motion prevailed, and
The speaker called Mr. Miltimore to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:
The committee of the whole have had under consideration
Council Bill No. 10,
A bill for an act repealing sections 12 to 18, inclusive, of chapter 20 of the Special Laws of 1885,
And recommend that the further consideration of the bill be indefinitely postponed.

Respectfully,
C. I. MILTIMORE,
Chairman.

Mr. Mentzer moved
The adoption of the report,
Which motion prevailed.

The speaker announced his signature to House Bills Nos. 29 and 66.

Mr. McDonell was excused until Monday.

Mr. Gilbert moved
To reconsider the vote by which the report of the committee of the whole was adopted.

Mr. Fellows moved
That the motion be laid upon the table,
Which motion prevailed.

Mr. Sullivan moved
To reconsider the vote by which the resolution introduced by Mr. Hobart was lost,

Which motion prevailed, and
The resolution was adopted.

House Bill No. 42,

An act authorizing the division of counties and for other purposes, was recommitted to the Committee on Counties.

EXECUTIVE COMMUNICATION.

The following communication was received from the Acting Governor:

EXECUTIVE OFFICE,
BISMARCK, February 4, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House of Representatives that I have approved,

Joint Resolution No. 5,

Being a resolution for the purchase of seventy-two copies of the second edition of Levisee's Code for the use of the members of the Seventeenth Legislative Assembly.

M. L. MCCORMACK,
Acting Governor.

Mr. Ruggles moved

That the House adjourn, which motion prevailed and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-SIXTH DAY.

BISMARCK, February 5, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cook and McDonell, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 4, 1887, and find the same correct as printed, except that on page 1 the report should be signed by C. I. Miltimore, instead of A. I. Miltimore, and with this correction, they recommend the approval of the Journal.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Royer moved

That the reading at length of the Journal be dispensed with,

Which motion prevailed, and

The Journal as corrected was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Ward introduced the following petition:

To the Honorable, the Legislature of Dakota, in Session at Bismarck:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, must become the shame of our boasted civilization.

The study of the revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Turner county, Territory of Dakota, do most earnestly appeal to you to raise the age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray that you enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

MARY C. ROWEN, et. al.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration

Joint Resolution No. 142,

For the appoinment of a committee to visit the insane asylum at Jamestown, Dakota,

And after due consideration beg leave to recommend that said resolution do not pass, but hand herewith a substitnte which your said committee recommend do pass.

DONALD STEWART,
Chairman.

MR. SPEAKER.

Your committee to whom was referred

House Bill No. 2, entitled

An act to amend an act entitled an act to provide for the establisment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory,

Beg leave to report the same back to the House with the recommendation that it do pass, with the following amendment:

Insert the words "chapter 126, General Laws of 1885, being" after the word "of" in the first line of section 1 of said bill.

JOHN HOBART,
Chairman.

MR. SPEAKER:

Your Committee on Counties have had under consideration.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

And respectfully report and recommend that it do pass the house with the following amendments, viz.: the word twenty-one (21) substituted for the word "sixteen" in the 21st line of section one; the word "said" substituted for the word "respective" in the 3rd line of section four; all of that part of section seven between the word "seat" in the 2d line and "and" in the 13th line be stricken out; that the word "again" where it appears in the 16th line of section seven be stricken out; that the words by law be substituted for the words "in this section" where they appear in the seventeenth line of section 7; that the words "is a qualified elector" be substituted for the words "shall have been a resident within the boundaries of such county for six (6) months prior to and next preceding the date of such election and is otherwise qualified," where they appear after the word "he" in the eighteenth line of section 7,

Also,

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

And recommend that it do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your committee to whom was referred

House Bill No. 48,

Recommend that said bill be withdrawn and that the following bill, entitled "an act to prohibit the sale of intoxicating liquors by local option," be substituted in its stead, having the same number. Would also recommend that it be printed.

J. H. FLETCHER,
Chairman,
Temperance Committee.

A BILL

For an Act Entitled an Act to Prohibit the Sale of Intoxicating Liquors by Local Option.

SECTION 1. That whenever two hundred (200) or more qualified electors of any county in this Territory shall by petition duly presented to the board of county commissioners, or in their vacation, to the auditor or county clerk of such county, represent or pray that the question of prohibiting the sale of intoxicating liquors be submitted to a vote of the said county, it shall be the duty of the said board of county commissioners or auditor or county clerk to give notice of election as provided by law for the holding of annual or general elections. Such election to take place within forty days after the reception by such board, or auditor or county clerk of such petition, and to be in all respects conducted as annual or general elections.

SEC. 2. All persons voting at any election held under the provisions of this act, who are opposed to the sale of such intoxicating liquors, shall have written or printed on their ballots, "against the sale," and those who favor the sale of such intoxicating liquors shall have written or printed on their ballots, "for the sale."

SEC. 3. Should a majority of the ballots cast at such election be "against the sale," it shall be unlawful for the board of county commissioners of such county to issue or grant a license for the sale of intoxicating liquors in such county; or for any common council or officers of any incorporated town, city or village in said county to grant or issue any license for the sale of such intoxicating liquors. Any board, officer or person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined a sum not exceeding one thousand dollars and not less than two hundred dollars and imprisoned in the county jail for a term not exceeding one year, or both, imprisonment and fine, in the discretion of the court, and further disqualified from holding any office in such county.

SEC. 4. When an election shall be held under this act no other election for the same purpose shall be held until the next general election and the result of such election shall remaim in force unless changed at some subsequent general election. And no elections shall be held under this act except upon the petition of at least two hundred (200) legally qualified voters.

SEC. 5. If the majority of the votes cast at any election held as by this act provided, shall be "against the sale," it shall not be lawful for any person within the limit of such county, to sell, barter, or license to sell or barter in any town or corporate city within said county for valuable consideration, either directly or indirectly, or to give away at any place of business or other public place, any alcoholic, spirituous, vinous, malt or intoxicating liquors, or intoxicating bitters, or other drink which if drank to excess will produce intoxication; and in addition to the penalties now prescribed by law, he shall be restrained from so doing by proper injunction issued by the court or a judge thereof. And any person may secure such injunction, and may use the name of the county as plaintiff in the suit, and no security shall be required; and the district attorney of such county shall in all things conduct such prosecution.

SEC. 6. Nothing in this act shall be construed to prevent licensed druggists from selling wines for sacramental purposes, or furnishing pure liquors for medicinal purposes or alcohol for mechanical purposes as prescribed by law.

SEC. 7. That any person violating any provision of this act shall on conviction thereof for the first offense be punished by a fine of not less than one hundred dollars nor more than three hundred ($300) or imprisonment not less than thirty (30) nor more than sixty (60) days, or both such fine and imprisonment in the discretion of the court and for a second or any subsequent violation, by a fine not less than two hundred ($200) nor more than five hundred ($500), or imprisonment in the county jail not less than sixty (60) days nor more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

SEC. 8. All acts, special or general, so far as they conflict with the provisions of this act, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage and approval.

Mr. Williams of Burleigh moved
The adoption of the report,
Which motion prevailed.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully reports that

House Bill No. 74,

Has been delivered to the acting Governor for approval.

Also,

Have examined House Bill No, 74, and find it correctly engrossed and enrolled.

Also,

Have examined House Bill No. 98, and find it correctly engrossed.

A. J. PRUITT,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fletcher introduced—
Substitute for House Bill No. 48,
A bill for an act to prohibit the sale of intoxicating liquors by local option.
Which was read the first time.

Mr. Miltimore introduced—
House Bill No. 145,
A bill for an act creating a board of trustees, and requiring the capital commission to report and turn over property and papers, and disbanding the same,
Which was read the first time.

Mr. Wyman introduced—
House Bill No. 146,
A bill for an act to provide funds for the construction

and furnishing of a dormitory and president's residence for the University of North Dakota, at Grand Forks, and for other purposes,

Which was read the first time.

Mr. Williams of Burleigh, introduced—

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Which was read the first time.

Mr. Williams of Burleigh, moved

To suspend the rules and that

House Bill No. 147,

Be read the second time and referred to a special committee of nine to be appointed by the speaker.

Yeas and nays demanded.

The roll being called there were ayes, 21; nays 24; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Dodds, Elliott, Ely, Fellows, Gilbert, Glendenning, Greene, Hobart, Miltimore, Moore, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Ensign, Fletcher, Harkins, Hawk, Hubbard, Jones, Mallory, Mentzer, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

Absent and not voting:

Mr. Patten of Lawrence.

Messrs. Cook and McDonell being excused.

So the motion to suspend the rules was lost.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 5, 1887.

MR. SPEAKER:

I have the honor to return herewith and to ask your favorable consideration of

Council Bill No. 16,

A bill for an act to provide for the support of indigent soldiers, sailors and marines, and their families,

Which bill has been passed by the Council.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 16,

A bill for an act to provide for the support of indigent soldiers, sailors and marines, and their families,

Was read the first time.

The speaker announces his signature to House Bill No. 74.

EVECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
February 5, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House of Representatives that I have approved

House Bill No. 29, entitled

A bill for an act to amend sections 37 and 43 of chapter 28, of the Political Code.

Also,

House Bill No. 66, entitled

A Bill for an act to amend and re-enact section 2,042 of the Civil Code of Dakota.

M. L. MCCORMACK,
Acting Governor.

SECOND READING OF HOUSE BILLS.

House Bill No. 137,

A bill for an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 138,

A bill for an act to amend sections 73 and 74 of chapter 28 of the Political Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 139,

A bill for an act to attach the counties of Presho, Pratt, Meyer, Tripp, Gregory and Lyman to the county of Brule for judicial purposes,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 140,
A bill for an act to prevent swindling,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 141,
A bill for an act to provide for the maintenance of the Spearfish normal school and other purposes,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 142,
A bill for an act to provide for the location of alleys in cities and in incorporated towns and villages,
Was read the second time and
Referred to the Committee on Cities and Towns.

House Bill No. 143,
A bill for an act to amend section 1, chapter 85 of the General Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 144,
A memorial asking Congress for measures to protect the public school lands,
Was read the second time, and
Referred to the Committee on Territorial Affairs.

Mr. Wolzmuth moved
That the reading at length of
House Bill No. 141,
Be dispensed with and the same be referred to the appropriate committee,
Which motion prevailed.

Mr. Hobart moved
That the reading at length of
House Bill No. 142,
Be dispensed with and the same be referred to its appropriate committee,
Which motion prevailed.

The speaker announced his signature to Council Bills Nos. 5, 41, 57, 52, 76 and 81.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 95,

A bill for an act to extend the term of office of county auditors elected at the annual election of 1885,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 32; nays, 10; not voting, 6.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Dodds, Ely, Ensign, Fletcher, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart, of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those whe voted in the negative were:

Messrs. Aikens, Burnham, Cooper, Dutch, Elliott, Fellows, Gilbert, Hobart, Patten of Miner, Mr. Speaker.

Absent and not voting,

Messrs. Adams, Patton of Lawrence, Pruitt, Schnaidt.

Messrs. Cook and McDonell being excused.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Stewart, of Fall River, moved

That the House do now resolve itself into a committee of the whole to consider General Orders,

Which motion prevailed, and

The speaker called Mr. Mentzer to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

And recommend that section 1 be amended by striking out of line twenty-one of the printed bill the words "sixteen townships" and inserting in lieu thereof the words "twenty-one congressional townships." Also recommend the adoption of sections 2 and 3 of the bill, and that section 4 be amended by striking out of line three of the printed bill the word "respective," and substituting in lieu thereof the word "said." Also recommend to insert the words "or annual" after the word "general" in line eight of section 5. Also recommend to strike out all in line six after the word "thereafter," and in seventh line to the word "and," of sectin 6. Also recommend that all of that part of section 7, between the word "seat" in the second line and the word "and" in the thirteenth line, be stricken out; that the word "again," where it appears in the sixteenth line of section 7, be stricken out; that the words "by law" be substituted for the words "in this section," where they appear in the seventeenth line of section 7; that the words "is a qualified elector" be substituted for the words, "shall have been a resident within the boundaries of such county for six months prior to and next preceding the date of such election, and is otherwise qualified," where they appear after the word "he" in the eighteenth line of section 7. Also, to insert the word "election" after word "each" in line twenty-six of section 9; anp also recommend that the following words be added at the end of section 1: "And providad further, that the question of the division of such county shall have never been submitted to a vote in the said county by reason of any special act of the Legislative Assembly of the Territory of Dakota."

And recommend the passage of the bill when so amended.

Also, have considered
House Bill No. 2,

A bill for an act to provide for the establishment of a board of railroad commissioners etc.,

And recommend that the words "chapter 126, General Laws of 1885, being" be inserted after the word "of" in the first line of section 1 of said bill, also recommend the following as a substitute for section 2 of the bill:

SEC. 2 That chapter 127 of the General Laws of 1885 be and the same is hereby repealed,

And recommend that the bill be made a special order for Monday, February 7, 1887, at 3 o'clock p. m.

Also,
Joint Resolution No. 142,

And recommend the adoption of the substitute resolution proposed by the Committee on Territorial Affairs—and that said substitute resolution be adopted.

Also have considered

House Bill No. 35,

A bill for an act providing bounty for killing gophers,

And recommend that it be considered a general order Tuesday afternoon, February 8, 1887.

Respectfully,
T. F. MENTZER,
Chairman.

Mr. Royer moved

That the report of the committee of the whole be adopted.

Which motion prevailed.

Mr. Dodds moved

That the house adjourn.

Which motion prevailed and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-EIGHTH DAY.

BISMARCK, D. T., February 7, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 5, 1887, and find the same correct as printed, and recommend the approval of the same.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Miltimore moved

That the reading at length of the Journal be dispensed with,

Which motion prevailed, and the Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

Messrs. Fletcher, Mallory, Ward, Patten of Miner, and Terrill, from both Bridgewater and Montrose, and others, presented petitions for the passage of a law prohibiting the manufacture or sale of intoxicating liquors; all of said petitions being worded as follows and numerously signed, and which were, after reading, referred to the Committee on Temperance.

To the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens of the Territory of Dakota, and whose postoffice address is Highmore, county of Hyde, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the mannfacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect on the 4th day of July, 1887. And thus your petitioners will ever pray.

JOHN T. LAWSON, et al.

Mr. Moore presented the following:

To the Legislative Assembly of the Territory of Dakota:

GENTLEMEN:

Your petitioners, residents of Dakota, would pray your honorable body to pass a bill granting women the right of suffrage.

W. A. SARGENT, et. al.

Mr. Ward introduced the following memorial:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

Your memorialists, the undersigned citizens of the county of Yankton, respectfully represent that they were appointed a committee by a mass meeting of the citizens of said county which filled the largest place of public assemblage in said county, and directed by said meeting to petition your honorable body to enact the bill hereto attached and made part of this memorial into a law of the Territory at the present session of your body.

We respectfully represent that said meeting included representatives of every craft, trade, profession and business in the county and many of the most prominent citizens; that the proposed act was drawn by a committee appointed by a preceding meeting of the same size and character for that purpose, and was read at length before the meeting which appointed us, and adopted for recommendation to your honorable body by an unanimous vote, the whole house (with a few exceptions), rising to emphasize their vote. These meetings were part of a series of remarkable meetings of the people, led by doctors, lawyers, bankers, mercqants, business men and mechanics and laboring men and addressed by speakers from all these classes, and in every one the sentiments of the bill were frequently expressed and invariably approved. We respectfully declare that these sentiments are, in our opinion, shared by a majority of the voters of the city and the county of Yankton and of the people of Dakota. Under circumstances most unfavorable the voters of South Dakota declared in favor of prohibition when they voted upon the State constitution, though many voted against it then who would now vote for it. They were made to believe then that prohibition would impair the chances for statehood, and many more have since become convinced in favor of prohibition of the manufacture and sale of all intoxicating liquors and beverages.

It is known to every intelligent observer that the sentiment of the people has been rapidly growing in favor of temperance and prohibition, and this is now so strong and pronounced as to assure the enforcement of the proposed law in nearly, if not quite every, county and precinct in the Territory. The moral reform has created this sentiment, and it remains, and we pray it may appear the duty of the legislative reformers and representatives of the people to enact this general, wise and trustworthy public opinion into law.

In support of this petition we point to the physical, moral and material evils of the sale and use of intoxicating liquors, known and conceded by nearly all men. We point to the fact that a majority of the states now require by law that these evils shall be taught to all the children in the public schools; and that the United States has required the same instruction to be given in the military, naval and Indian schools and in every public school in the Territories and District of Columbia.

Some of the ablest newspapers representing the interests of the laboring classes of the United States declare that their worst enemy is intemperance. We have only to look about us anywhere to secure ample evidence of this.

Our insane hospitals all over the land bear apalling testimony of the effects of alcohol upon the human system; and our jails, almshouses and penitentiaries show its moral effects. The women of the land. helpless from lack of political power, cry out for relief from the wrongs alcohol inflicts upon them and their children.

We, therefore, on behalf of the public sentiment of Yankton pray your honorable body to pass the accompanying bill and to give it all the force and certainty which your wisdom may add to it. And further we will ever pray."

WM. H. H. BEADLE,
HUGH J, CAMRBELL,
JOSEPH WARD,
E. C. DUDLEY,
S. A. BOYLES.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

The committee recommend the passage of the following bills:

House Bill No. 136,

A bill for an act in relation to the rendition of fugitives from justice,

House Bill No. 22,

A bill for an act to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof; approved March 13, 1885.

They recommend that section 1 of House Bill No. 135 be amended to read as follows: "Section I. That section 77 of sub-chapter 1 of chapter 112 General Laws of 1883 be and the same is hereby amended to read as follows:"

As amended the committee recommend the passage of the bill.

The committee return herewith,

House Bill No. 121,

A bill for an act to amend an act providing for the compensation of justices of the peace of the Territory of Dakota, and,

House Bill No. 127,

A bill for an act to amend section 11 of chapter 112, Laws of 1883, and recommend that they do not pass.

The committee respectfully submit for the consideration of the house a bill for an act to amend section 2 of chapter 77 of the General Laws of 1881, and recommend that the bill do pass.

FRANK R, AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill No. 40,

And find it correctly engrossed.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Hawk introduced the following resolution:

Resolved, That the duties of the engrossing clerk are so great as to require an assistant; therefore,

Resolved, That the speaker be and is hereby authorized to appoint an assistant, at a salary of four dollars per day for each Legislative day.

Which resolution was lost.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 7, 887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 46,

A bill for an act to provide for the issuing of duplicates of bonds or coupons lost or destroyed,

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled township government,

Council Bill No, 120,

Joint resolution providing for the compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary, and

Council Bill No. 130,

A bill for an act to fix the compensations of sheriffs in certain cases,

Which have passed the Council and ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF HOUSE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Judiciary Committee introduced—

House Bill No. 148,

A bill for an act to amend section 2 of chapter 77 of the General Laws of 1881,

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 149,

A bill for an act entitled an act defining the boundaries of Nelson county,

Which was read the first time.

Also,

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a Territorial department of agriculture and relating to agricultural societies and agricultural fairs and providing for reports of the same,

Which was read the first time.

Mr. Shook introduced—

House Bill No. 151,

A bill for an act to provide for additional compensation to district attorneys in judicial subdivisions composed of two or more counties,

Which was read the first time.

Mr. Adams introduced—

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,

Which was read the first time.

Mr, Elliott introduced—
House Bill No. 153,
A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,
Which was read the first time.

Mr. Burnham introduced—
House Bill No 154,
A bill for an act to repeal article 1, chapter 11, and sections 721 and 733; sections inclusive of chapter 35 of the Code of Civil Procedure of this Territory,
Which was read the first time.

Mr. Jones introduced—
House Bill No. 155,
A bill for an act to amend chapter 24 of the Political Code of the Territory of Dakota,
Which was read the first time.

Mr. Ward introduced—
House Bill No. 156,
A bill for an act to prohibit the manufacture and sale of intoxicating liquors,
Which was read the first time.

Mr. Elliott introduced—
Joint Resolution No. 157,
To pay for chairs for use of ladies visiting the Capitol,
Which was read the first time and
The rules were suspended and the joint resolution was read the second and third times and put on its final passage.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 46,
A bill for an act to provide for the issuing of duplicate coupons for those lost in transit by registered letter between the cities of Tidioute, state of Pennsylvania, and Bismarck, Territory of Dakota, and to provide for the payment of the same,
Was read the first time.

Council Bill No. 105,
A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled "Township Government,"

Was read the first time.

Council Bill No. 120,

A joint resolution providing for the compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary,

Was read the first time.

Council Bill No. 130.

A bill for an act to amend section 9 of chapter 39 of the Political Code in relation to the compensation of sheriffs in certain cases,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council bill No. 16,

A bill for an act to provide for the support of indigent soldiers, sailors and marines and their families

Was read the second time and

Referred to the Committee on Military Affairs.

Mr. Dodds moved

That the rules be suspended and that the

Substitute for Joint Resolution No. 142

Be read the third time and placed on its final passage.

Which motion prevailed, and

By unanimous consent,

Mr. Hawk offered the following amendment to substitute for Joint Resolution No. 142, viz: To strike out the word "two" in section 1 in line three of the bill and substitute in lieu thereof the word "three," and strike out the word "one" of section 1, line four, and substitute in lieu thereof the word "two."

Mr. Dodds moved

That the amendment lie on the table,

Which motion prevailed.

Substitute for Joint Resolution No. 142,

Providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown and Yankton,

Was then read the third time and placed on its final passage.

The roll being called there were, ayes, 44; nays, 3; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook,

Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ensign, Hawk, Patton of Lawrence.

Absent and not voting:

Mr. Pruitt.

So the bill passed, and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from the acting Governor:

EXECUTIVE OFFICE,
February 7, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 74, entitled

An act to amend subdivision 1, of section 320, of chapter 26, of the Penal Code.

M. L. MCCORMACK,
Acting Governor.

Mr. Patten of Miner, by unanimous consent, moved

That the secretary of the Territory be requested to have 800 extra copies of Council Bill No. 163, referring to public schools, printed for use of the members of the House and Council.

Which motion prevailed.

Mr. Elliott, by unanimous consent, introduced the following:

Be it Resolved by the House of Representatives, the Council concurring:

That there is hereby appropriated out of any funds in the Territorial treasury, not otherwise appropriated, the sum of sixty-five dollars, to pay Webb Bros. for chairs purchased for the use of the House and under its direction.

Mr. Fletcher moved
To lay the resolution on the table,
Which motion prevailed.

Mr. Dodds moved.
To reconsider the vote by which the resolution was laid on the table,
Which motion prevailed.

Mr. Shook moved
To suspend the rules and that the joint resolution be read the second and third times and placed on its final passage,
Which motion prevailed.

SECOND READING OF HOUSE BILLS.

Substitute for House Bill No. 48,
A bill for an act to prohibit the sale of intoxicating liquors by local option.
Was read the second time.

Mr. Aikens moved
First. To amend House Bill No. 48 by striking out the last sentence of section 4.
Second. By striking out section 5 of said bill and inserting in lieu thereof the following:
In addition to the penalties now prescribed by law any person or persons who may sell any intoxicating liquors without a license having been duly granted as provided by law, or where the license is granted in violation of this act shall be restrained from so doing by proper injunction issued by the court or a judge thereof. And any person may secure such injunction, and may use the name of the county as plaintiff in the suit, and no security shall be required; and the district attorney of such county shall in all things conduct such prosecution.
Third. That sections 6 and 7 of said bill be striken out.
Fourth. That section 8 be numbered 6.
Fifth. That section 9 be numbered 7.
The bill was referred to general orders.

House Bill No. 145,
A bill for an act creating a board of trustees, and requiring the capital commission to report and turn over property and papers, and disbanding the same,
Was read the second time.

Mr. Aikens moved

That the reading at length of House Bill No. 145 be dispensed with,

Which motion prevailed and the bill was

Referred to the Judiciary Committee.

House Bill No. 146,

A bill for an act to provide funds for the construction and furnishing of a dormitory and president's residence for the University of North Dakota, at Grand Forks, and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Was read the second time.

Mr. Williams, of Burleigh, moved

That House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Be referred to a special committee of nine to be appointed by the speaker,

Which motion prevailed, and

The speaker appointed Messrs. Williams of Burleigh, Dutch, Miltimore, Hubbard, Glendenning, Mallory, Moore, Ruggles, Shook as such committee.

THIRD READING OF HOUSE BILLS.

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Fellows, Moore, Pruitt, Schnaidt.

So the bill passed and
Its title was agreed to.

House Bill No. 121,

A bill for an act amending an act providing for the compensation of justices of the peace of the Territory of Dakota.

Was read the third time.

Mr. Adams moved

That the further consideration of the bill be indefinitely postponed

Which motion prevailed.

House Bill No. 98,

A bill for an act to increase the powers of county commissioners

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 45; nays, 2; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Fellows, Jones.

Absent and not voting:
Mr. Ruggles.

So the bill passed, and
Its title was agreed to.

House Bill No. 136,

A bill for an act in relation to the rendition of fugitives from justice,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 48; nays, none.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

So the bill passed, and

Its title was agreed to.

House Bill No. 127,

A bill for an act to amend section 11, chapter 112, Genreal Laws of 1883,

Was read the third time.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The roll being called on the final passage of the bill there were, ayes, 19; nays, 28; not voting, 1.

Those who voted in the affirmative were:

Messrs. Berry, Glendenning, Hobart, Hubbard, Jones, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, White, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Greene, Harkins, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Pruitt, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wyman.

Absent and not voting:

Mr. Gilbert.

So the bill was lost.

House Bill No. 22,

A bill for an act to repeal section 5 of an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Ensign, Fellows, Schnaidt.

So the bill passed and

Its title was agreed to.

House Bill No. 157.

A joint resolution appropriating $65 for payment of chairs for the House,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 45; nays, 2; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruit, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth. Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Hawk.

Absent and not voting:

Mr. Mallory.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the House do now resolve itself into a committee of the whole to consider the general and special orders,

Which motion prevailed and

The speaker called Mr. Hobart to the chair.

When the committee rose the committee presented the following report:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112 of the Laws of 1883,

And recommend that section 1 of the bill be amended to read as follows:

"SECTION 1. That section 77 of sub-chapter I of chapter 112 of the General Laws of 1883 be and the same is hereby amended so as to read as follows."

And that when so amended the bill do pass.

Also,

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

And recommend

That section 2 be amended by striking out all after the word "statistician," in 30th line, to the close of 34th line of the printed bill; that section 2 be amended by inserting the words "justice court" instead of "district court" at end of line 41 and beginning of line 42.

Also recommend that section 3 be amended by striking out the word fifteen in line 9 and substitute in lieu thereof the word "ten"; also to strike out the words "district courts" in lines 19 and 20 of section 3 and substitute in lieu thereof the words "justice courts,"

And recommend the passage of the bill when so amended.

JOHN HOBART,
Chairman.

Mr. Fellows moved to adjourn,
Which motion was lost.

Mr. Williams, of Burleigh, moved
That the report of the committee be adopted,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Fletcher moved that the House resolve itself into a committee of the whole to consider House Bill No. 2, relating to the railway commission and fixing maximum rates,

Which motion prevailed and
The speaker called Mr. Burnham to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:
The committee of the whole have had under consideration
House Bill No. 2,
A bill for an act to provide for the establishment of a board of railroad commissioners
And recommend the passage of the bill as amended in general orders of February 5, 1887.

J. W. BURNHAM,
Chairman.

Mr. Miltimore moved
The adoption of the report,
Which motion prevailed.
Mr. Williams of Burleigh, moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

TWENTY-NINTH DAY.

BISMARCK, February 8, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,
The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr, Fellows, excused.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:
The committee to revise and correct the Journal have examined that of February 7, 1887, and find the same correct as printed and recommend its approval.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Royer moved

That the reading at length of the Journal be dispensed with,

Which motion prevailed, and the Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Patten of Miner introduced the following petition. Similar petitions were also introduced by Messrs. White, Royer, Wise and Stewart of Walsh, all of which were referred to the Committee on Temperance:

To the Honorable, the Legislature of Dakota, in session at Bismarck;

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Howard, county of Miner, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim, and that the law shall go into effect upon the fourth day of July, 1887. And thus your petitioners will ever pray.

C. C. POLLARD, et al.

Mr. Ward introduced the following petition, which was referred to the Committee on Elections and Privileges:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN:

Your petitioners, residents of Dakota, would pray your honorable body to pass a bill granting women the right of suffrage:

M. M. DAVIS, et al.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

The Judiciary Committee ask leave to report as follows:

They recommend the passage of the following bills:

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code.

Council Bill No. 128,
A bill for an act to amend the name of the Moravian society of township 129 north, range 52 west,
Council Bill No. 96,
A bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,
The committee recommend that
House Bill No. 122,
A bill for an act to limit the term of any person in certain county offices,
Be amended as follows: That section 1 be amended by striking out the words "of two years each, or four years in all," where they occur therein; that section 2 be amended by inserting in the second line between the words "three" and "term" the word "consecutive," and that, as amended, the bill do pass.

The committee after carefully considering
House Bill No. 140,
A bill for an act to prevent swindling,
Report it back to the House with the recommendation that it be indefinitely postponed.
They also recommend that
House Bill No. 143,
A bill for an act to amend section 1, chapter 85 of the General Laws of 1883,
Do not pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:
Your Committee on Territorial Affairs have had under consideration
House Bill No. 144,
And return it herewith with the recommendation it do pass.

DONALD STEWART,
Chairman.

MR. SPEAKER.
The Committee on Public Buildings have had under sideration
House Bill No. 4,
And report the same back to the House with the recommendation that it do not pass.

JACOB SCHNAIDT,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under consideration

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws,

And recommend that it do pass.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bill Nos. 22, 98, 118 and 131,

And find them correctly engrossed.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Ward moved

That House Bill No. 95 be recalled from the Committee on Appropriations and that it be referred to the Committee on Agriculture,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
February, 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill, No. 126,

A bill for an act legalizing certain acts of the Board of Education of the City of Huron, Beadle County, Territory of Dakota, and authorizing said Board of Education to issue bonds to take up outstanding warrants issued by it and for other purposes.

Which has passed the Council and your concurrence therein requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 8, 1887.

MR. SPEAKER:

I transmit herewith

Council Bill No. 13,

An act legalizing a certain election held in the city of Sioux Falls and for other purposes,

Which bill was returned by his Excellency Feb. 4th to the Council with his objections thereto and which was by the Council passed on that day by the requisite majority, his objections the contrary notwithstanding. Your concurrence in that action is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Miltimore moved

That House Bill No. 2, relating to the board of railway commissioners, be recommitted to the Committee on Railroads,

Which motion prevailed.

Mr. Adams moved

That Council Bill No. 13 be made a special order for February 18, 1887, at 3 o'clock p. m.

Mr. Aikens moved

To amend by making it the special order for February, 9, 1887, at 3 o'clock p. m.

Mr. Sullivan moved as a substitute

That the bill be referred to a special committee consisting of Messrs. Williams of Burleigh. Adams, Aikens, Pruitt, Fellows, Mentzer and Burnham.

Yeas and nays demanded.

The roll being called there were ayes, 22; nays 23; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Cook Dodds, Elliott, Ely, Ensign, Greene, Hawk, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Williams of Burleigh.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Morris, Patten of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Fellows, Wyman.

And so the substitute motion was lost.

The roll then being called on Mr. Aikens' amendment to the motion of Mr. Adams, there were ayes, 27; nays, 20; not voting, 1.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Stewart, of Walsh, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Cook, Dodds, Elliott, Ely, Ensign, Greene, Hawk, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Ruggles, Shook, Sprague, Sullivan, Terrill, Williams of Burleigh.

Absent and not voting,

Mr. Fellows.

And so the motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stewart of Fall River moved

That the House do now resolve itself into a committee of the whole to consider

House Bills, Nos. 57, 89 and 96

The special orders for to-day—

Which motion prevailed and

The speaker called Mr. Dodge to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 57,

A bill for an act providing for the locating, establishing and building a Soldiers' Home and providing funds therefor,

And recommend that section 1 be amended by striking out the words "one hundred dollars" and inserting in lieu thereof, "five hundred dollars," and also that line five of section 20 be amended by inserting the word "exceeding" after "not" and that the following words be added at the close of section 3: "Provided, that said Bonds shall not be sold for less than their par value."

Also that section 9, fourth line, after the word "council" add the following words: "At the first meeting of the board they shall divide themselves into three classes, by lot, to be distinguished as classes one, two and three, respectively—class one shall continue in office for one year from April 1, 1887; class two shall continue in office two years from April 1, 1887, and class three shall continue in office three years from April 1, 1887. At the expiration of the time for which any member of this board is appointed his successor shall be appointed for three years"; also, amend by adding to section 2 the words: "Provided that the city of Hot Springs shall donate the eighty acres of land"; also, amend by striking out all the words from the word "rebellion," in the third line of section 18, to the word "shall" in the sixth line of said section, and that the words "next preceding the passage of this act," at the close of section 18, be stricken out. To insert after the word "rebellion," in third line of section 18, "or any other war of the United States." To strike out the word "six," in the sixth line of section 3, and insert the word "five" in lieu thereof,

And recommend the passage of the bill as amended.

D. S. DODDS,
Chairman.

Mr. Stewart of Fall River moved the adoption of the report.

Mr. Aikens by unanimous consent moved the following addition to the report of the committee:

Amend by striking out of section 3 the words and figures following "fifty thousand dollars ($50,000,)" and inserting in lieu thereof the words and figures "twenty-five thousand dollars ($25,000,) and

The report of the committee of the whole with the addition thereto was adopted.

Mr. Stewart of Fall River moved to suspend the rules and that

House Bill No. 57

Be read the third time and placed on its final passage.

Yeas and nays demanded—

The roll being called on the motion to suspend the rules, there were ayes, 20; nays, 25; not voting, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Dutch, Ely, Ensign, Gilbert, Greene, Harkins, Hobart, Patton of Lawrence Pruitt, Royer, Shook, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Burnham, Cook, Cooper, Dodds, Elliott, Fletcher, Glendenning, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise.

Absent and not voting:

Messrs. Adams, Hawk, Fellows.

So the motion to suspend the rules was lost.

The speaker announced the appointment of the following committee, as ordered by resolution of Mr. Hobart and adopted February 5, 1887:

Messrs. Hobart, Aikens, Shook, Sprague, Dutch.

Mr. Schnaidt was excused until Monday, February 14, 1887.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith the original message of his Excellency the Governor with which he returned to the Council

Council Bill No. 13,

An act legalizing a certain election held in the city of Sioux Falls, and for other purposes,

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

EXECUTIVE OFFICE,
February 3, 1887.

To the President of the Council:

I have the honor to inform the Council that I herewith return Council Bill No. 13, entitled "an act legalizing a certain election held in the city of Sioux Falls and for other purposes." without my approval. After a very careful consideration of the bill, I am of the opinion that such bonds have not been "contracted to be issued," as contemplated in section 4 of the act of congress prohibiting special legislation. If they had been, I see no valid reason why the amount to be paid is not specifically stated. The bill provides that the common council of Sioux Falls may pay whatever bonus they may deem fit to the Burlington, Cedar Rapid, Iowa Falls, & Northern Railroad Company. This delegation of extraordinary power to the common council I do not consider consistent with the best interests of the people. These bonds, when issued, become the direct obligation of the people of the municipality, and the officers of the city who act in the premises, empowered by this act, to an extent that invites improbity, will not be called upon to bear the burden of the debt thus contracted. I am of the opinion that the complete details of a matter of this kind should be in the hands of the people who shall be responsible for the obligation thus assumed.

The amount to be paid, the manner of payment, the denomination of the bonds, the rate of interest, and in fact, every condition of such a contract, should be familiar to the people and the subject of their sanction, and not left to the discretion of any limited number of citizens, with an invitation extended to reap for themselves temporary benefits, while the majority of the tax-payers shoulder the burden and become responsible for the discharge of the debt.

M. L. MCCORMACK,
Acting Governor.

INTRODUCTION OF HOUSE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Cooper introduced—

House Bill No. 158,

A bill for an act to amend section 2 of chapter 57 of the Session Laws of 1883,

Which was read the first time.

Mr. Ely introduced—

House Bill No. 159,

A bill for an ect creating and defining the boundaries of the counties of Pierce and Church, and for other purposes,

Which was read the first time.

Mr. Dutch introduced—

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the

General Laws of 1879, increasing the amount of license for sale of intoxicating liquors,

Which was read the first time.

Also,

House Bill No. 161,

A bill for an act to provide for foreclosure of mortgages in courts of record,

Which was read the first time.

Mr. Wise introduced—

House Bill No. 162,

A bill for an act for the relief of Louisa H. Paterson,

Which was read the first time.

Mr. Elliott introduced—

House Bill No. 163,

A joint resolution and memorial praying for the passage by Congress of a national law for the extermination of contagious pleuro-pneumonia among cattle in the United States,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 164,

A joint memorial praying Congress to appropriate money for the improvement of the Big Sioux river,

Which was read the first time.

Mr. Aikens (by request) introduced—

House Bill No. 165,

A bill for an act to appropriate moneys to reimburse J. W. Taylor, drum major of Second regimental band, for rent of armory,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 126,

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Dakota Territory, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it and for other purposes,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 46,

A bill for an act to provide for the issuing of duplicate coupons for those lost in transit by registered letter between the cities of Tidioute, state of Pennsylvania, and Bismarck, Territory of Dakota, and to provide for the payment of the same,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled "Township Government,"

Was read the second time and

Referred to the Committee on Ways and Means.

Council Bill No. 120,

A joint resolution providing for the compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary,

Was read the second time, and

Referred to the Committee on Appropriations.

Council Bill No. 130.

A bill for an act to amend section 9 of chapter 39 of the Political Code in relation to the compensation of sheriffs in certain cases,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 92,

A bill for an act to amend section 67 of the Civil Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays, 7; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Cook, Elliott, Mentzer, Patton of Lawrence, Ruggles, Williams of Burleigh, Wyman.

Asbent and not voting :

Messrs. Berry, Fellows, Hawk, Hobart.

So the bill passed and
Its title was agreed to.

Council Bill No. 96,
Substitute for Council Bill No. 96, a bill for an act to legalize the acts of Max Hoehn as notary public of the Territory of Dakota,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene. Harkins, Hawk, Hubbard, Jones, Mallory, McDonnell, Mentzer, Miltimore, Moore, Morris, Patton, of Lawrence, Patten, of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Berry, Cooper, Fellows, Hobart, Pruitt, Sullivan.

So the bill passed, and
Its title was agreed to.

Council Bill No. 128,
A bill for an act to amend the name of the Moravian society of township 139 north, range 52 west,
Was read the third time and placed on its final passage.

The roll being called there were, ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Berry, Cook, Cooper, Fellows, Greene, Hobart, Pruitt.

So the bill passed, and

Its title was agreed to.

Council Bill No. 138,

A joint resolution to provide for the purchase of session laws,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 10; nays, 35; not voting, 3.

Those who voted in the affirmative were:

Messrs. Berry, Dodds, Harkins, Hubbard, Miltimore, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Wolzmuth.

Those who voted in the negative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Hawk, Jones, Mallory, McDonell, Mentzer, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Fellows, Hobart, Morris.

So the joint resolution was lost.

Mr. Greene moved the House do now adjourn.

Which motion was lost.

By unanimous consent the reading at length of House Bills was dispensed with, and the bil were read by title and referred to appropriate comm ttees.

SECOND READING OF HOUSE BILLS, JOINT RESOLUTIONS AND MEMORIALS.

House Bill No. 148,

A bill for an act to amend section 2 of chapter 77 of the General Laws of 1881,

Was read the second time.

House Bill No. 149,

A bill for an act entitled an act defining the boundaries of Nelson county,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a Territorial department of agriculture and relating to agricultural societies and agricultural fairs and providing for reports of the same,

Was read the second time and
Referred to the Committee on Agriculture.

House Bill No. 151,

A bill for an act to provide for additional compensation to district attorneys in judicial subdivisions composed of two or more counties,

Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

Was read the second time and
Referred to the Committee on Railroads.

House Bill No 154,

A bill for an act to repeal article 1, chapter 11, and sections 721 and 733; sections inclusive of chapter 35 of the Code of Civil Procedure of this Territory,

Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 156,

A bill for an act to prohibit the manufacture and sale of intoxicating liquors,

Was read the second time and
Referred to the Committee on Temperance.

THIRD READING OF HOUSE BILLS.

House Bill No. 4,

A bill for an act to amend section 13, chapter 9, of the General Laws of 1885,

Was read the third time.

Mr. Aikens moved

That the bill be committed to the Insurance Committee,

Which motion prevailed.

House Bill No. 140,

A bill for an act to prevent swindling,

Was read the third time.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 143,

A bill for an act to amend section 1 of chapter 85 of the General Laws of 1883,

Was read the third time.

Mr Mentzer moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Mr. Adams moved

That the House do now adjourn,

Which motion prevailed and the House Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTIETH DAY.

BISMARCK, February 9, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 8, 1887, and find the same is correctly printed and published in the Bismarck Tribune but when transferred to the printed Journal the forms are so mixed that the Journal is unintelligible and therefore recommend that the Journal be referred back for correction to the public printer and that pending the receipt of the corrected Journal no action be taken on that of the twenty-ninth day.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

Which report was adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were presented:

MR. SPEAKER:

The Committee on Public Health have had under consideration

House Bill No 71,

A bill for an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

And recommend that section 1 be amended by adding after the word "physician," in the sixth line of the printed bill, the words "or from any other reliable source," and adding at the close of the ninth line the words "and is authorized to enter by person or by agent any premises, stock yards, cars, vessels, or other places where live stock is kept in the Territory of Dakota."

To amend section 2 by striking out the word "some" and inserting the word "any" in the first line, and inserting in line two after the word "contagious" the words "or infectious," striking out after the word "incurable" all in lines two, three and four, and add the words "among horses, mules, asses, cattle and sheep;" also, in line eighteen to insert "a" after "him" and after "veterinarian or practicing physician" insert the words "or two resident freeholders;" in lines twenty and twenty-one, strike out the words "one or both of," and in twenty-one after "veterinarian" insert "physicians or freeholders;" in line twenty-three strike out the word "hoof" and insert the word "foot."

In section 3, third line, strike out the word "three" and insert the word "two," and in line four, after the word "county," add the words "who, together with the Territorial veterinarian, shall constitute a board of appraisers to place a value upon," and after the word "hide," at the close of the eighteenth line, add the words "which shall be so cut and scarified as to be useless."

In section 4, at the end of line seven, add the words "after inspection by the Territorial veterinarian," and in line eight strike out the words "by a duly authorized veterinary inspector;" in line nine, after the word "stock," insert the following: "or who shall wilfully and knowingly inoculate or expose any live stock to any of the infectious or contagious diseases shall."

In line eleven strike out the word "thousand" and insert "one hundred." and the word "ten" and insert "one." In line twelve, after the word "dollars," insert the words "or imprisonment for not less than three months or more than one year.

In section 5, first line, strike out the word "who;" in line two strike out "he" and insert "they;" in line three strike out the word "or" and insert "and;" in line six after the word "forth" insert the word "they."

In section 6, in line two, after the word "animal" add the words "or animals," and after the word "suspected" add the words "of having," and in line four after the word "animals" strike out the word "and."

In section 7 after the word "animals" in line two, add the words "or destruction of the carcass, or disinfection of premises, cars, vessels or other means of transportation;" in line six strike out the words "refused in" and insert the words "inhibited by," and strike out the word "and" after "act:" in line eight strike out the words "cognizant of" and insert the words "having knowledge of the facts and;" in line ten after the word "the" add the words "payment of the," and strike out "so ordered paid by the Governor," in line sixteen strike out the words "before or at" and insert "prior to," and in line seventeen after "Territory" add the words "or animals that have been shipped into the Territory from any infected or quarantined locality;" in line eighteen strike out "another" any insert "any;" in line nineteen strike out the words "and development;" in line twenty strike out "and" and insert "or;" in line twenty-one strike out "sections 4 and 5 of."

In section 8, line two, strike out the word "eight" and insert the word "ten;" in same section, line five, strike out the words "of the number of days he has served". and insert the word "all" after the word "of;" in line six after "paid" insert "or has contracted to pay in the extirpation of disease, disinfection of localities, buildings, cars, vessels, etc., and for stationery in line eight strike out the words "he" and "also" and insert the words " the territorial veterinarian;" in line nine after the word "surgery', add the words "and of not less than five years actual practice;" in line twelve after "for" add the words "for actual services rendered;" in line thirteen after the word "services" add "the fees provided by law," and strike out the words "the sum of $5;" in line fourteen after the word "consultation" strike out "five and insert "eight," and in line fifteen after performance add "of his duty," and strike out "of the services;" and in the sixteenth line, after the word "provided," strike out "He" and insert "The territorial veterinarian." In section 9, line four strike out "one hundred" and insert "fifty;" in line five strike out "two" and insert "three;" in line eight, after dollars, add the words "less any amount which is or may hereafter be allowed by any act of congress of the United States." In section 10 strike out lines one, two, three and four and the words "act" and "and" of line five, and insert "The territorial veterinarian;" in line six strike out the word "proper" and insert the word "faithful," and in line seven, after the word "duties," strike out the remainder of the section.

In section 11, line four strike out "half" and insert "fourth;" in line five strike out "horses, mules, cattle and sheep," and insert "property," and after the word Territory add the words "upon which taxes are paid."

Also to insert the following as section 12: That it is hereby made the duty of the attorney general or district attorney of the respective counties to prosecute any case complained of and certified by the territorial veterinarian for prosecution in any justice or district court within the jurisdiction of which any violation of this act may have been had, and on conviction of violating any of the provisions of this act, the court may award, in addition to the penalties prescribed by law, and add to the judgment such attorney's fees and costs of prosecution as the court may determine just in the premises.

That sections 12 and 13 of the printed bill be numbered 13 and 14 respectively, and with these amendments the committee recommend the passage of the bill.

D. H. ENSIGN,
Chairman.

Mr. Mentzer moved the adoption of the report,

Which motion prevailed.

Mr. Mentzer also moved

That the bill, with amendments, be engrossed and then reprinted,

Which motion prevailed.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bills Nos. 77 and 135,

And find them correctly engrossed.

A. J. PRUITT,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Shook introduced—

House Bill No 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties,

Which was read the first time.

Mr. Burnham introduced—

House Bill No. 167,

A bill for an act in amendment of section 409 of the Civil Code, relating to corporations,

Which was read the first time.

Also,

House Bill No. 168,

A bill for an act to amend section 290 of chapter 21 of the Penal Code of Dakota Territory,

Which was read the first time.

Mr. Hawk introduced—

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial agricultural college and making an appropriation therefor,

Which was read the first time.

Also,

House Bill No. 170,

A bill for an act to amend certain sections of the township government act, chapter 112 of the General Laws of 1883,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill, No. 126,

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Territory of Dakota, and authorizing said board of education to

issue bonds to take up outstanding warrants issued by it, and for other purposes,
Was read the second time and
Referred to the Committee on Education.

SECOND READING OF HOUSE BILLS.

House Bill No. 158,
A bill for an act to amend section 2 of chapter 57 of the Session Laws of 1883,
Was read the second time and
Referred to the Committee on Railroads.

House Bill No. 159,
A bill for an act creating and defining the boundaries of the counties of Pierce and Church, and for other purposes,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 160,
A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing the amount of license for sale of intoxicating liquors,
Was read the second time and
Referred to the Committee on Temperance.

House Bill No. 161,
A bill for an act to provide for foreclosure of mortgages in courts of record,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 162,
A bill for an act for the relief of Louisa H. Paterson,
Was read the second time and
Referred to the Committee on Appropriations.

Mr. Williams of Burleigh, by unanimous consent moved
That the vote by which Council Bill No. 38, providing for the purchase of Session Laws was lost, be reconsidered.

Mr. Adams moved
That the motion to reconsider be laid upon the table.
Yeas and nays demanded.
The roll being called, there were ayes, 22; nays, 26.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Ely, Ensign, Fletcher, Glendenning, Hawk, Jones, Mallory, McDonell, Mentzer, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Williams of Grant, Wise, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Dodds, Dutch, Elliott, Fellows, Gilbert, Greene, Harkins, Hobart, Hubbard, Miltimore, Moore, Morris, Patton of Lawrence. Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Ward, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

So the motion to lay on the table was lost.

The yeas and nays were demanded on the motion to reconsider Council Bill No. 138.

The roll being called, there were ayes, 26; nays, 20; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Dodds, Dutch, Elliott, Ely, Fellows, Greene, Harkins, Hobart, Hubbard, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Ward, White, Williams of Burleigh, Wolzmuth. Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Fletcher, Glendenning, Hawk, Jones, Mallory, McDonell, Mentzer, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Williams of Grant, Wise, Wyman,

Absent and not voting:
Messrs. Ensign, Gilbert,

So the motion to reconsider prevailed and
Mr. Williams of Burleigh moved
To recommit the bill to the Appropriation Committee,
Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 57,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home and providing funds for the same,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 19; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, McDonell, Mentzer, Miltimore, Patton of Lawrence, Patten, of Miner, Pruitt, Royer, Shook, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Cook, Cooper, Dodds, Elliott, Fletcher, Hubbard, Mallory, Moore, Morris, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise.

Absent and not voting:

Messrs. Burnham, Jones.

So the bill passed, and

Its title was agreed to.

Mr. Pruitt moved

To reconsider the vote by which House Bill No. 5 was passed.

Mr. Stewart of Fall River moved

To lay the motion to reconsider on the table,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Aikens moved

That the House do now resolve itself into a committee of the whole to consider

Council Bill No. 13,

A bill for an act legalizing a certain election held in the city of Sioux Falls, and for other purposes,

Mr. Sullivan moved

That the further consideration of the bill be postponed until February 16, 1887, at 3 o'clock p. m.

Ayes and nays demanded.

The roll being called, there were ayes, 23; nays, 25.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Jones, Mallory, Mentzer, Miltimore, Moore, Ruggles, Shook, Sprague, Sullivan, Terrill, Williams of Grant, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mc-

Donell, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Stewart of Walsh, Ward, White, Wise, Wolzmuth, Mr. Speaker.

So the motion to postpone consideration of House Bill No. 13 to February 16, 1887, was lost and

The motion of Mr. Aikens prevailed.

The House then resolved itself into committee of the whole with Mr. Ensign in the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have considered

Council Bill No, 13, together with the objections of the Governor,

A bill for an act legalizing a certain election held in the city of Sioux Falls, and for other purposes,

And recommend that the bill do pass, the Governor's objections to the contrary notwithstanding.

D. W. ENSIGN,
Chairman.

Mr. White moved the adoption of the report,

Which motion prevailed.

The House proceeded to the consideration of Council Bill No. 13 and the message of the Governor and

The question being shall the bill pass, the objection to the acting governor to the contrary notwithstanding and

A call of the House was demanded.

Mr. Pruitt moved

That further proceedings under the call be dispensed with.

Which motion prevailed.

Council Bill No. 13,

A bill for an act legalizing a certain election held in the city of Sioux Falls, and for other purposes,

Was then submitted to a vote of the house, and

The roll being called there were, ayes, 29; nays, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hubbard, Mallory, McDonell, Mentzer, Ruggles, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

So the bill was lost and

The veto of the governor was sustained.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 8, 1887.

MR. SPEAKER:

I have the honor to return herewith

Council Bill No. 142,

A joint resolution providing for the appointment of a joint committee to inspect the hospital for the insane at Jamestown.

Together with the substitute therefor adopted by the House, and to inform you that the Council has refused to concur in your action in adopting that substitute.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112 of 1883, relating to the Town Board of Auditors

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 40; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Bidlake.

Absent and not voting:

Messrs. Berry, Hobart, Pruitt, Schnaidt, Stewart of Fall River, Sullivan, White.

So the bill passed, and
Its title was agreed to.

House Bill No. 144,
A memorial asking Congress for measures to protect the public school lands,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Asbent and not voting:
Messrs. Ensign, Hobart, Pruitt, Schnaidt, Stewart of Fall River, Sullivan, White.

So the bill passed and
Its title was agreed to.

House Bill No. 148,
A bill for an act to amend section 2 of chapter 77 of the General Laws of 1881,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays none; not voting, 11.
Those who voted in the affirmative were:
Messrs. Adams, Aikens, Burnham, Cook Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Berry, Bidlake, Cooper, Fellows, Hobart, McDonell, Patton of Lawrence, Schnaidt, Stewart of Fall River, Stewart of Walsh, White.

So the bill passed, and
Its title was agreed to.

Mr. Williams of Burleigh, moved
That the House adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-FIRST DAY.

BISMARCK, February 10, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present, except Messrs. Adams, McDonell, Stewart of Fall River and Schnaidt, excused.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:

The committee to revise and correct the House Journal have examined those of February 8 and 9, 1887, and find the same correct as printed and recommend their approval.

C. I. MILTIMORE,
J. G. HAMILTON.

Mr. Dodds moved
That the report of the committee be adopted,
Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Williams of Grant introduced the following petition which was referred to the Committee on Privileges and Elections:

To the Honorable, the Legislature of Dakota, in session at Bismarck;

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which little girls are subject, have become the shame of our boasted civilization.

The study of the revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Milbank, Grant County, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

MRS. F. G. JOHNSON, et al.

The speaker presented the following from Fort Sully and others. Petitions similarly worded and numerously signed were presented by Messrs. Jones and Morris, and referred to the Committee on Temperance :

To the Honorable, the Legislature of Dakota, in Session at Bismarck:

We, the undersigned citizens of the Territory, and whose postoffice address is Fort Sully, county of Sully, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

THEODORE F. NIELSON, et al.

REPORTS OF STANDING COMMITTEES,

The following reports of standing committees were presented:

MR. SPEAKER:

The Judiciary Committee recommend that

Council Bill No. 46,

A bill for an act to provide for the issuing of duplicate of bonds or coupons lost or destroyed,

Be reprinted and that the bill then do pass.

They return herewith

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885,

Without further recommendation than that it be referred to general orders.

The committee recommend that section 1 of

House Bill No. 90,

A bill for an act to amend sections 3 and 4 of chapter 63 of the Session Laws of 1883,

Be amended by striking out in the sixth line of said section 1 the words "first day of September" and inserting in lieu thereof the words "fifteenth day of August," and that as amended the bill do pass.

They report back to the House, with amendments,

House Bill No. 124.

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

Without recommendation.

FRANK R. AIKENS,
Chairman.

Mr. Williams of Burleigh, moved to adopt the report,

Which motion prevailed.

MR. SPEAKER:

Your Committee to whom was referred the following bills, have had the same under consideration and submit the following report:

Your committee recommend that House Bills Nos. 4 and 54 do not pass, and that House Bill No. 112 do pass.

D. F. ROYER,
Chairman.

MR. SPEAKER:

Your committee on Printing report House Bill No. 38 back without recommendation.

J. WOLZMUTH,
Chairman.

MR. SPEAKER.

Your Committee on Counties has had under consideration

Council Bill No. 47,

A bill for an act making it the duty of county treasurers to certify to abstracts of titles to real estate, when requested and providing for compensation for the same,

And recommend that it do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

The Committee on Counties have had under consderation

Substitute Bill No. 86,

A bill for an act defining the boundaries of Stark, Billings, Lawrence and Morton counties,

And recommend its passage.

Also,

House Bill No. 149,

A bill for an act entitled an act defining the boundaries of Nelson county,

And recommend its passage.

J. M. MOORE,
Chairman.

MR. SPEAKER:

The Committee on Erolled and Engrossed Bills have examined

House Bills Nos. 2 and 42,

And find them correctly engrossed.

Respectfully,
A. J. PRUITT,
Chairman.

MESSAGES FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 13,

A bill for an act to divide the fifth subdivision of the Sixth judicial district into two subdivisions and to provide for terms of court therein,

Which the Council has amended by adding to section 2 the words "or at such other time as the court may designate," and

House Bill No. 26,

A bill for an act to amend section 1, chapter 26, General Laws of 1879,

Which the Council has amended by striking out the words "from this" in section 1 and inserting in lieu thereof the word "further," and as so amended has passed. Your concurrence in the amendments is asked.

I transmit also, and ask your concurrence in the passage of

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow,

Council Bill No. 111,

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fires in buildings used for public assemblages,

Council Bill No. 156,

A bill for an act entitled an act to require teachers of public schools to keep a record of the visits of county superintendents, and

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies,

Very respectfully,

T. A. KINGSBURY,

Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Shook introduced the following resolution:

Resolved, By the House of Representatives in legislature assembled: That the Committee on Judiciary are hereby instructed, in pursuance of the recommendation of the governor of this territory, to ascertain the best method of codifying the laws of this territory from 1879 to and including those of 1887, and to report to this house their recommendation by bill or otherwise.

Which resolution was adopted.

Mr. Sprague moved

That House Bill No. 77 be recommitted to the committee on Territorial Affairs.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gilbert introduced—

House Bill No. 171,

A bill for an act legalizing a certain election in the city of Sioux Falls, and for other purposes,

Which was read the first time.

The rules were suspended and
The bill read the second time and
Referred to the Committee on Judiciary.

Mr. Dodds, by request, introduced—
House Bill No. 172,
A bill for an act to define the boundaries of Ward and Renville counties,
Which was read the first time.

Mr. Greene introduced—
House Bill No. 173,
A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,
Which was read the first time.

Mr. Patton of Lawrence, introduced—
House Bill No. 174,
A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives from justice,
Which was read the first time.

Mr. Fletcher introduced—
House Bill No. 175,
A bill for an act to relieve the owners of lands platted for townsites from unjust taxation,
Which was read the first time.

Mr. Moore introduced—
House Bill No. 176,
A bill for an act to amend section 47 of chapter 27 of the Political Code, granting women the right of suffrage,
Which was read the first time.

Mr. Sprague introduced—
House Bill No. 177,
A bill for an act for the creation of a board of railroad and warehouse commissioners and for the regulation of the same.
Which was read the first time.

Mr. Aikens introduced—
House Bill No. 178,
A bill for an act to amend section 655 of the Code of Civil Procedure,
Which was read the first time.

The Committee on Appropriations introduced—

House Bill Mo. 179,

A bill for an act providing for the payment of John P. Hoagland for repairing the hall of the House of Representatives,

Which was read the first time.

The rules were suspended, and

The bill read the second and third time and placed on its final passage.

The roll being called, there were ayes, 42; nays' none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, McDonell, Shook, White.

Messrs. Stewart of Fall River, and Schnaidt being excused.

So the bill passed and its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

Mr. Cooper moved

That the house do not recede from its position on Joint Resolution No. 142, and that the speaker appoint a committee of conference of three to act with a similar committee to be appointed by the council.

Which motion prevailed, and

The speaker appointed Messrs. Cooper, Sullivan and Shook as such committee.

Mr. Burnham moved

That the House concur in the Council amendments to House Bills Nos. 13 and 26,

Which motion prevailed.

Mr. Pruitt moved

That the rules be suspended and that Council Bill No. 137 be read the second time by its title and referred to the Committee on Insurance,

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following communication was received from the Acting Governor:

EXECUTIVE OFFICE,
BISMARCK, February 10, 1887.

To the Speaker of the House of Representatives:

I have the honor to transmit the report of Dr. Henry W. Coe, respecting the feared existence of pleuro-pneumonia in Clark county, Dakota.

M. L. McCORMACK,
Acting Governor.

BISMARCK, DAK., February 7, 1887.

To Acting Governor McCormack:

DEAR SIR: Pursuant to instructions from his Excellency Gilbert A. Pierce, I left Bismarck on Wednesday, January 26, 1887, to go to South Dakota and there to investigate what was feared to be an outbreak of contagious pleuro-pneumonia among the cattle of a Mr. Clark, living in the northern portion of Miner county, and south of DeSmet, in this Territory; said investigation being made at the urgent request of the owner of said cattle, and at the special instance of Hon. J. H. Patten, of said Miner county, a member of the present Legislature.

As result of said investigation, I have the honor to report that after careful examination of said cattle, such as were then sick; of bodies of some that had died, and others killed for the purpose, it was very evident that the cattle were not affected with the disease feared, although some symptons present in the cases might, to one not familiar with the disease, reasonably cause alarm. The ailment was found to be an influenza, or catarrh, of mild type, but which, in the poor state of flesh in which the cattle were, took off several head, and others were sick. Some of the cattle sick had, however, recovered. The parties interested were much excited over the affair before my arrival, examination and diagnosis, and deserve credit for their prompt report of the sickness, in view of the possible danger, should the disease have proved to be the dread cattle plague of Europe.

Your obedient servant,
HENRY W. COE, M. D.,
Health Officer in Charge.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

Was read the first time.

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow,

Was read the first time.

Council Bill No. 111,

A bill for an act to prevent the spread of obnoxious weeds in the Territory of Dakota,

Was read the first time.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fire in buildings used for public assemblages,

Was read the first time,

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1883, relating to county mutual insurance companies,

Was read the first time, and

On motion of Mr. Pruitt

The rules were suspended,

The bill read the second time by its title, and

Referred to the Committee on Insurance.

Council bill No. 156,

A bill for an act to require teachers of public schools to keep a record of the visits of county superintendents,

Was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 163,

A joint resolution and memorial praying for the passage by Congress of a national law for the extermination of contagious pleuro-pneumonia among cattle in the United States,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 164,

A joint memorial praying Congress to appropriate money for the improvement of the Big Sioux river,

Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 165,

A bill for an act to appropriate moneys to reimburse J. W. Taylor, drum major of Second regimental band, for rent of armory,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 167,

A bill for an act in amendment of section 409 of the Civil Code, relating to corporations,
Was read the second time and
Referred to the Committee on Banking.

House Bill No. 168,

A bill for an act to amend section 290 of chapter 21 of the Penal Code of Dakota Territory,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial agricultural college and making an appropriation therefor,
Was read the second time and
Referred to the Committee on Agriculture.

House Bill No. 170,

A bill for an act to amend certain sections of the township government act, chapter 112 of the General Laws of 1883,
Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 4,

A bill for an act to amend section 13, chapter 9, General Laws of 1885,
Was read the third time.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed.

Yeas and nays demanded.

The roll being called, there were ayes, 29; nays, 15; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Ely, Ensign, Fletcher, Harkins, Hawk, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Greene, Mallory, Patten of Miner, Pruitt, Terrill, White, Williams of Burleigh, Wyman.

Absent and not voting:

Messrs. Adams, McDonell.

Messrs. Schnaidt, and Stewart of Fall River, being excused.

So the motion to indefinitely postpone prevailed.

House Bill No. 38,

A bill for an act to provide for the publication of legislative acts, was read the third time.

Mr. Aikens moved

That the bill be referred to general orders,

Which motion prevailed.

House Bill No. 54,

A bill for an act to amend sections 6 and 11 of chapter 70 of the General Laws of 1885,

Was read the third time.

Mr. Shook moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes.

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 39; nays, 1; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikins, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patten of Miner, Pruitt Royer, Ruggles, Shook, Sprague, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Patton of Lawrence.

Absent and not voting:

Messrs. Adams, Elliott, Mentzer, Stewart of Walsh.

Messrs. Ensign, McDonell, Schnaidt and Stewart of Fall River being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 149,

A bill for an act to amend an act entitled an act defining the boundaries of Nelson county,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles. Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Greene, Pruitt, White.

Messrs. McDonell, Schnaidt and Stewart of Fall River, being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 112,

A bill for an act to provide for the cancellation and forfeiture of insurance policies,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 42; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart, of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Cooper.

Absent and not voting:

Messrs. Adams and Williams of Burleigh.

Messrs. McDonell, Schnaidt, Stewart of Fall River being excused.

So the bill passed and

Its title was agreed to.

By unanimous consent the Judiciary Committee reported as follows:

MR. SPEAKER:

The Judiciary Committee, to whom was referred

House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes,

Respectfully report that they have had the same under consideration and recommend that the same be placed upon its final passage to-day: and, further, that it do pass.

FRANK R. AIKENS,
Chairman.

Mr. Pruitt moved

The adoption of the report,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 18, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 155,

A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights,

Which has passed the Council and ask your concurrence thereto,

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

By unanimous consent Mr. Williams of Burleigh (by request) introduced—

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Which was read the first time.

Also,

House Bill No. 181,

A memorial to the House of Representatives, asking for an appropriation of five thousand dollars for agricultural fairs,

Which was read the first time.

And

Mr. Greene introduced—

House Bill, No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands.

Which was read the first time.

COMMITTEE OF THE WHOLE.

Mr. Miltimore moved

That the House do now resolve itself into committee of the whole to consider the General Orders,

Which motion prevailed and

The Speaker called Mr. Cooper to the chair.

When the committee rose, the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration

Substitute for House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option.

And recommend that the bill be amended as follows:

First. By striking out the last sentence of section 4.

Second. By striking out section 5 of said bill and inserting in lieu thereof the following: "In addition to the penalties now prescribed by law, any person or persons who may sell any intoxicating liquors without a license having been duly granted as provided by law, or where the license is granted in violation of this act, shall be restrained from so doing by proper injunction issued by the court or a judge thereof. And any person may secure such injunction, and may use the name of the county as plaintiff in the suit, and no security shall be required, and the district attorney of such county shall in all things conduct such prosecution."

Third. That sections 6 and 7 of said bill be stricken out.

Fourth. That section 8 be numbered 6.

Fifth. That section 9 be numbered 7.

To amend section 6 by adding the following:

Provided, that upon the canvas of the vote taken as provided by this act, where the result shall have been declared to be against the sale, the commissioners of any county within which such election may be held shall at the first regular meeting thereafter revoke all licenses theretofore granted and refund any amount which may be due any person by reason of such revocation,

And that when so amended the bill do pass.

M. H. COOPER,
Chairman.

Mr. Mallory moved

That the report of the committee of the whole be adopted.

Which motion prevailed.

Mr. Pruitt moved

That the substitute bill as amended be printed.

Which motion prevailed.

Mr. Williams of Burleigh moved

That the House do now adjourn.

Which motion was lost.

Mr. Williams then moved

That Substitute for House Bill No. 48 be referred to the Committee on Enrolled and Engrossed Bills for engrossment.

Mr. Dodds moved, as a substitute motion, That the rules be suspended, and the bill be placed on its final passage.

Which motion prevailed, and
Substitute for House Bill No. 48,
A bill for an act to prohibit the sale of intoxicating liquors by "local option,"
Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 10; not voting, 5.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Shook, Sprague, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Fellows, Gilbert, Greene, Jones, Mentzer, Patton of Lawrence, Ruggles, Stewart of Walsh, Williams of Burleigh, Wolzmuth.

Absent and not voting:
Messrs. Adams, Ely.

Messrs. McDonell, Schnaidt, Stewart of Fall River being excused.

So the bill passed and
Its title was agreed to.

Mr. Dodds moved
To reconsider the vote by which House Bill No. 48 was passed.

Mr. Royer moved to lay the motion on the table,
Which motion prevailed.

Mr. Hobart moved to adjourn,
Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-SECOND DAY.

BISMARCK, February 11, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Schnaidt and Stewart of Fall River, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 10, 1887, and find the same correct except on page 7 "that the House concur in Council amendments to House Bills Nos. 13 and 36," which should read "House Bills Nos. 13 and 26," and recommend that the Journal be so corrected and then approved.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Which was adopted, and
Mr. Mallory moved
To dispense with the reading at length of the Journal,
Which motion prevailed, and
The Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented by Mr. Mallory:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Forman, county of Sargent, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887.

And thus your petitioners will ever pray.

W. E. PATTERSON et al.

Similar petitions were also presented by Messrs. Ensign and Dodds, and all referred to the Committee on Temperance:

Mr. Morris presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

The study of the Revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years,

Therefore we, the men and women of Hutchinson county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

W. H. POST, et al.

Mr. Stewart of Walsh, presented the following, which was referred to the Committee on Counties:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of range No. 81, of McHenry county, Dakota, (being the west tier of townships in said county), hereby petition your honorable body to detach said territory from McHenry county and attach the same to Ward county, for the following reasons:

First. That the county seat of McHenry county is located permanently nearly fifty miles from the settled part of said territory.

Second. That McHenry county is mostly a stock county, while Ward county is an agricultural county, and said tier of townships is mostly agricultural land.

Third. That Minot, the principal railway point, is in Ward county, and the people of this section do not go to Towner, the county seat of McHenry county, except on county business.

Wherefore, your petitioners ask that said territory be attached to Ward county, and your petitioners do ever pray. ALEX. HAY, et al.

Mr. Sullivan presented the following:

PLANKINTON, Feb. 7, 1887.

We beg leave to express a hope that you will do what you can at this session to have some law passed under which horses, mules and asses suspected of being affected with glanders or other fatal or contagious diseases may be inspected by a competent veterinary surgeon, and if found diseased of such a nature condemned and killed, and a reasonable compensation made to the owners of the same.

Very respectfully yours,
JOSEPH SHARP, et al.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

The committee recommend the passage of

House Bill No. 168,

A bill for an act to amend section 290 of chapter 21 of the Penal Code.

They return herewith

House Bill No. 161,

A bill for an act to provide for the foreclosure of mortgages in courts of record,

And recommend that the bill do not pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER.

Your Committee on Appropriations has had under consideration,

House Bill No. 146,

A bill for an act to provide for the construction and furnishing of a dormitory and president's residence for the university of North Dakota, at Grand Forks, Dakota, and for other purposes,

And report it back with the following amendment: Strike out the appropriation for president's residence, and recommend the bill do pass as amended,

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

Joint Resolution, No. 193,

And find it correctly engrossed.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Shook presented the following resolution:

Resolved by the House of Representatives in Legislature assembled, That the attorney general is hereby requested to inform thisHouse at the earliest opportunity whether or not there is any existing law exempting the right of way of the Northern PacificRailroad company,or of any other railroad company in this Territory, from taxation; and if yes, then what property is exempt under said law—that is to say, does said exemption cover the rolling stock, buildings, machinery or rails located on said right of way?

Which resolution was adopted.

Mr. Pruitt moved to reconsider the vote by which

House Bill No. 171,

A bill for an act legalizing a certain election in the city of Sioux Falls and for other purposes,

Was passed, and to lay the motion to reconsider on the table,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gilbert introduced—

House Bill No. 183,

A bill for an act to make appropriations for the maintence of the Territorial Penitentiary at Sioux Falls and for necessary repairs and improvements,

Which was read the first time.

Mr. Williams of Burleigh, introduced—

House Bill No. 184,

A bill for an act to repeal chapter 126 of the General Laws of 1885,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 185,

A bill for an act providing for the payment of jury fees in civil actions in the district court,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 186,

A bill for an act in relation to the vacation of town plats,

Which was read the first time.

Mr. Aikens introduced—

House Bill No. 187,

A bill for an act to repeal chapter 85 of the Laws of 1885,

Which was read the first time.

Mr. Patton of Lawrence introduced—

House Bill No. 188,

A bill for an act to repeal chapter 66 of the General Laws of 1885,

Which was read the first time.

Mr. Hubbard introduced—

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use and to confiscate such property,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 155,

A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights

Was read the first time.

Mr. Cooper by unanimous consent moved

That the reading at length of Council and House bills on their second reading be dispensed with, that the bills be read by their titles and referred to their appropriate committees,

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

Was read the second time and

Referred to the Committee on Counties.

Council Bill No. 107,

A bill for an act to remove the political disabilities of Henry Muchow,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council bill No. 156,

A bill for an act to require teachers of public schools to keep a record of the visits of county superintendents,

Was read the second time and

Referred to the Committee on Education.

Council Bill No. 111,

A bill for an act to prevent the spread of obnoxious weeds in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Agriculture.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fire in buildings used for public assemblages,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

COMMITTEE OF THE WHOLE.

Mr. White moved

To suspend the rules and that the House do now resolve itself into a committee of the whole to consider "general orders."

Which motion prevailed, and
The speaker called Mr. White to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration
House Bill No. 146,
A bill for an act to provide funds for the construction and furnishing of a dormitory for the university of North Dakota at Grand Forks, Dakota, and for other purposes,
And recommend the passage of the bill as amended by the Committee on Appropriations.
Also,
Substitute for House Bill No. 86,
A bill for an act to define the boundaries of Stark, Billings, Lawrence and Butte counties,
And recommend the passage of the substitute bill.
Also,
Substitute for House Bill No. 14,
A bill for an act to amend chapter 112 of the General Laws of 1883,
And recommend it be committed to the Judiciary Committee,
Also,
Substitute for House Bill 122,
A bill for an act to limit the terms of service of any person in certain county offices,
And recommend that the bill be amended as follows:
Section 1. Be amended by striking out the words "of two years each or four years in all" where they occur therein.
Sec. 2. Be amended by inserting in the second line between the words "third" and "term" the word "consecutive" and that when so amended it do pass.

Also,
House Bill No. 12 and the Substitute therefor,
A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

And recommend that the bill be recommitted to the Judiciary Committee.

Also,
House Bill No. 90,

A bill for an act to amend sections 3 and 4 of chapter 63 of the Session Laws of 1883,

And recommend that the bill be recommitted to the Judiciary Committee.

Also,

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885,

And recommend that the word "session" in the title and body of the bill be stricken out and the word "general" inserted in lieu thereof, and that when so amended, it do pass.

Also,

House Bill No. 38,

A bill for an act to provide for the publication of legislative acts,

And recommend the passage of the bill.

J. V. WHITE,
Chairman.

Mr. Gilbert moved the adoption of the report.

Which motion prevailed.

The Speaker announced his signature to
Council Bills Nos. 92, 95, 96 and 128.

Mr. Gilbert, by unanimous consent, introduced—

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and providing land for the school for deaf mutes.

Which was read the first time.

Mr. Bidlake, by unanimous consent, introduced—

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Which was read the first time.

The committee of conference having under consideration joint resolution made the following report:

To the President of the Council and Speaker of the House of Representatives:

Your joint conference committee to which was referred

House Substitute for Council Bill No. 142, Beg leave to report as follows:

We recommend that the following substitute joint resolution be adopted in place and stead thereof, to-wit: joint resolution of the Council and House of Representatives of the Territory of Dakota.

A JOINT RESOLUTION.

For the Appointment of Certain Committees to Visit the Insane Asylums and Penal Institutions of the Territory of Dakota.

Be it Resolved by the Council and the House of Representatives:

That a committee consisting of two members of the House and one member of the Council be appointed by the president and speaker of said respective bodies, as soon as practicable, to visit and inspect the insane asylums at Jamestown and Yankton, respectively, and the penal institutions of this Territory; which committee shall report the condition and the management thereof to this Assembly as soon as practicable; and, provided, that in the case of the inspection of the insane asylum at Jamestown and the Territorial prison at Bismarck said committee shall be increased to four members of the Council and five members of the House, to be appointed in the manner hereinbefore provided.

T. O. BOGERT,
For Council Committee.
M. H. COOPER,
For House Committee.

Mr. Dodds moved the adoption of the report,

Which motion prevailed.

Mr. Sullivan moved

To suspend the rules and that the joint resolution proposed by the conference committee be read the first, second and third times and placed on its final passage,

Which motion prevailed.

Joint Resolution,

For the appointment of certain committees to visit the insane asylums and penal institutions of Dakota,

Was read the first, second and third time and placed on its final passage.

The roll being called, there were ayes, 33; nays, 8; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake. Burnham, Cook, Cooper, Dodds, Ely, Fellows. Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Ensign, Jones, McDonell, Patton of Lawrence, Pruitt, Ward, Wise.

Absent and not voting:

Messrs. Dutch, Elliott, Mentzer, Morris, Stewart of Walsh.

Messrs. Schnaidt and Stewart of Fall River, being excused.

So the joint resolution was passed, and

Its title was agreed to.

Mr. Fletcher moved

To suspend the rules and that Council Bill No. 155 be read the second and third time and placed on its final passage.

Which motion prevailed.

Council Bill No. 155,

A bill for an act to place the inmates of insane asylums under the protection of the laws by securing to them their postal rights,

Was read the second and third time and placed on its final passage.

The roll being called, there were ayes, 40; nays, 2; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton of Lawrence, Wolzmuth.

Absent and not voting:
Messrs. Aikens, Pruitt, White.

Messrs. Patten of Miner, Schnaidt and Stewart of Fall River being excused.

So the bill passed, and
Its title was agreed to.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 47,
A bill for an act making it the duty of county treasurers to certify to abstracts of title to real estate when so requested, and providing compensation for the same,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 1. not voting, 7.

Those who voted in the affirmative were:
Messrs. Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles. Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Cooper.

Absent and not voting:
Messrs. Adams, Aikens, Hobart, Mallory, Morris, Royer, Williams of Burleigh.
Messrs. Schnaidt. and Stewart of Fall River, being excused.

So the bill passed, and
Its title was agreed to.

Mr. Ward moved that House Bill No. 176 be referred to a special committee of five, to be appointed by the speaker.
Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 172,
A bill for an act to define the boundaries of Ward and Renville counties,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 174,

A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives from justice,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 175,

A bill for an act to relieve the owners of lands platted for townsites from unjust taxation,

Was read the second time, and

Referred to the Committee on Ways and Means.

House Bill No. 176,

A bill for an act to amend section 47 of chapter 27 of the Political Code, granting women the right of suffrage,

Was read the second time and

Referred to a special committee consisting of Messrs. Ward, Mallory, Dutch, Patten of Miner, and Glendenning, named by the chair.

House Bill No. 177,

A bill for an act for the creation of a board of railroad and warehouse commissioners and for the regulation of the same.

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 178,

A bill for an act to amend section 655 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 181,

A memorial to the House of Representatives, asking for an appropriation of five thousand dollars for agricultural fairs,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands,

Was read the second time and

Referred to the Committee on Territorial Affairs.

THIRD READING OF HOUSE BILLS.

House Bill Substitute for House Bill No: 86,

A bill for an act to define the boundaries of Stark, Billings, Lawrence and Butte counties,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart, of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Jones, Morris, White.

Messrs. Schnaidt and Stewart of Fall River, being ex-excused.

So the bill passed and

Its title was agreed to.

House Bill No. 146,

A bill for an act to provide funds for the construction and furnishing of a dormitory and president's residence for the university of North Dakota at Grand Forks, Dakota, and for other purposes,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 45; nays, none; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikins, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Morris.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 168,

A bill for an act to amend section 290 of chapter 21 of the Penal Code of Dakota Territory,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 44; nays none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Morris, Wyman.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 38,

A bill for an act to provide for the publication of legislative acts,

Was read the third time.

Mr. Burnham moved

To recommit the bill to a special committee of three to be appointed by the speaker.

Yeas and nays were demanded.

The roll being called, there were ayes, 27; nays, 14; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Dodds, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Hawk, Hobart, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Cooper, Dutch, Fellows, Harkins, Hubbard, McDonell, Pruitt, Ruggles, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Berry, Cook, Greene, Jones, Morris.

Messrs. Schnaidt, and Stewart of Fall River, being excused.

So the motion to commit to a special committee prevailed.

House Bill No. 122,

A bill for an act to limit the terms of service of any person in certain county offices, which

Was read the third time and placed on its final passage.

The roll being called there were ayes, 32; nays, 11; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Ruggles, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Cooper, Elliott, Greene, McDonell, Pruitt, Royer, Shook, Sullivan, Williams of Burleigh.

Absent ann not voting:

Messrs. Berry, Jones, Morris.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 161,

A bill for an act to provide for the foreclosure of mortgages in courts of record,

Was read the third time.

Mr. Williams of Burleigh moved

That the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The roll then being called on the final passage of the bill there were ayes, 18; nays, 20.

Those who voted in the affirmative were:

Messrs. Dutch, Gilbert, Glendenning, Hubbard, Mallory, Patton of Lawrence, Pruitt, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Dodds, Ely, Ensign, Fellows, Fletcher, Greene, Harkins, Hawk, Hobart, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Williams of Burleigh.

Absent and not voting:

Messrs. Berry, Bidlake, Cook, Cooper, Elliott, Jones, Morris, Sullivan.

Messrs. Schnaidt and Stewart of Fall River being excused.

And so the bill was lost.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885,

Was read the third time.

Mr. Aikens moved

That the further consideration of the bill be indefinitely postponed.

Mr. Adams moved

To lay the motion on the table,

Which motion was lost.

Mr. Williams, of Burleigh, moved

To recommit the bill to the Judiciary Committe.

Which motion prevailed.

House Bill No. 35,

A bill for an act providing for bounty for killing gophers

and providing for the payment of the same,
Was read the third time.

Mr. Hawk moved
To postpone the further consideration of the bill,
Which motion was lost.

Mr. Pruitt moved
To lay the bill on the table,
Which motion was lost.

The roll then being called on the final passage of the bill, there were ayes, 31; nays, 12; not voting, 5,

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Bidlake, Cooper, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Pruitt, Royer, Shook, Sprague, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Burnham, Cook,Dodds, Harkins, Hawk, Hubbard, Patten of Miner, Ruggles,Stewart of Walsh, Sullivan, Williams of Grant, Wyman.

Asbent and not voting :
Messrs. Berry, Jones, Morris.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed, and
Its title was agreed to.

Mr. Gilbert moved
To reconsider the vote by which the bill passed.

Mr. White moved
To lay the motion to reconsider on the table.

Ayes and nays demanded.

Mr. Stewart of Walsh, moved to adjourn,
Which motion was lost.

The roll then being called, on the motion to lay on the table, there were ayes, 28; nays, 15; not voting, 5.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Cooper, Dutch, Elliott, Ensign, Fletcher. Gilbert, Glendenning, Greene, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Royer, Shook, Sprague, Terrill, Ward, White, Wil-

liams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker,

Those who voted in the negative were:

Messrs. Aikens, Burnham, Cook Dodds, Ely, Fellows, Harkins, Hawk, Hubbard, Patten of Miner, Pruitt, Ruggles, Stewart of Walsh, Sullivan, Williams of Grant.

Absent and not voting:
Messrs. Berry, Jones, Morris,
Messrs. Schnaidt and Stewart of Fall River being excused.

So the motion to lay the motion to reconsider on the table prevailed.

House Bill No. 96,
A bill for an act to establish a home for disabled soldiers and sailors and marines, in the Territory of Dakota,
Was read the third time.

Mr. Sullivan moved
To lay the bill on the table.
Which motion prevailed.

House Bill No. 89,
A bill for an act to incorporate a home for the relief of the survivors of the honorably discharged soldiers and sailors of the war of 1861,
Was read the third time.

Mr. Burnham moved
To lay the bill on the table.
Which motion prevailed.

House Bill No. 91,
A bill for an act to amend section 323 of the Code of Civil Procedure, and repeal sections 324 and 325 of the Code of Civil Procedure,
Was read the third time.

Mr. Aikens moved
To indefinitely postpone the further consideration of the bill.
Which motion prevailed.

Mr. Pruitt, by unanimous consent, moved
That the rules be suspended and that House Bill No. 41, as amended and passed by the Conncil, be referred to the Committee on Judiciary.

Which motion prevailed.

The speaker announced as the special committee to consider House Bill No. 38, Messrs. Burnham, Ruggles and Wolzmuth.

Mr. Moore moved
That the House adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-THIRD DAY.

BISMARCK, February 12, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,
The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Schnaidt and Stewart of Fall River, excused.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:
The committee to revise and correct the Journal have examined that of February 11, 1887, and find the same correct as to substance, there being two typographical errors which do not impair the sense, and recommend their correction and the approval of the Journal when so corrected.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted without objection.

PETITIONS AND COMMUNICATIONS.

Mr. Glendenning introduced the following petition, which, with one similarly worded, introduced by Mr. Harkins, was referred to the Committee on Temperance:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is DeSmet, county of Kingsbury, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887.

And thus your petitioners will ever pray.

JAMES DAN et al.

Mr. Glendenning introduced the following—

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned legal voters of Kingsbury county respectfully petition you to pass Council Bill No. 2, entitled,

An act to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the railroad and warehouse commission in relation thereto, as we consider it the only proper measure for the relief of the producer.

O. J. BERKVAN, et. al.

Which was reported to the Committee on Warehouses, Grain, Grading and Dealing.

Mr. Cooper presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Freeman Thayer Post, No. 59, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of Council Bill No. 63, now pending before your honorable body.

GEO. W. CARPENTER, Commander.

Attest: G. W. EASTWOOD, Adjutant.

Which was referred to the Committee on Military Affairs.

Mr. Glendenning presented the following:

To the Honorable the Legislative Assembly of the Territory of Dakota :

The undersigned, residents of Kingsbury county, would respectfully petition you not to lower the present exemption law.

A. S. SORSDAL, et al.

Which was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 2,

A bill for an act to amend an act entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this territory,

Beg leave to submit the following report:

To amend by inserting the words "chapter 126 of" after the word "of" where it first occurs in the first line of section 1 of said bill.

To further amend by inserting at the end of section 1 of said bill the following:

Providing, however, that from all decisions of said commissioners upon matters properly brought before them, any company or corporation affected and being aggrieved thereby, may appeal to the district court, from such decision, within twenty days from the date of the rendering of such decision upon filing a bond with sufficient penalty and one or more sureties, with the clerk of the district court, to which said appeal is taken, to be determined and approved by said clerk of court, and any company or corporation desiring so to appeal shall cause written notice of said appeal, stating the grounds thereof, to be served upon the attorney general, and district attorney of said county, within twenty days from the reading of said decision by said commission.

And we recommend as amended the bill do pass.

We also further recommend that

House Bill No. 158,

A bill for an act to amend section 2 of chapter 57 of the Session Laws of 1883, do pass.

JOHN HOBART,
Chairman.

MR. SPEAKER:

The Committee on Insurance have had under considera-
Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies,

And beg leave to submit the following report:

That the words "to the probate judge," in line eight of section 7, be stricken out.

Also, to strike out all of section 10 after the word "claimant," in the ninth line, and insert instead thereof "shall choose a disinterested party, and the company shall choose a disinterested party, who shall constitute a board of arbitration to settle such loss, and in case these parties cannot agree, they shall choose a third party to act with them, and said board of arbitration shall have power to examine witnesses and determine all matters in dispute, and the decision of said board shall be final."

Also, to insert after the word "Tuesday," in the third line of section 15 the words "after the first Monday," and with such amendments we recommend that the bill do pass.

D. F. ROYER,
Chairman.

MR. SPEAKER.

Your Committee on Appropriations has had under consideration

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes,

And offer the following amendments:

Strike out in the enacting clause the words "and maintenance."

Also in section 1, line 3 of printed bill, strike out all after the word "Territory" up to line 5.

Also in same section, after the word "issue," in line 7, strike out lines 8, 9 and 10 up to the word "five," and insert in lieu thereof "forty thousand dollars of territorial bonds payable in ten years and bearing interest not to exceed."

Also strike out the word "market," in line 10, section 3, and insert the word "par."

In section 6 strike out line 3 and the word "dollars" in line 4.

Strike out section 7 and re-number the following sections as follows, to-wit: Change 8 to 7, 9 to 8. 10 to 9, 11 to 10, 12 to 11, 13 to 12, 14 to 13, 15 to 14 and 16 to 15.

And recommend that it do pass as amended.

WM. BERRY,
Chairman.

MR. SPEAKER:

Your Committee on Immigration, to whom was referred that portion of the Governor's Message referring to the office of the Commissioner of Immigration, respectfully report that they have had the same under consideration and recommend that the duties and powers of the Commissioner of Immigration be increased or the office abolished.

CHAS. B. WILLIAMS,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

House Bills Nos. 77, 163 and 164,

Beg leave to make the following report:

We recommend that

House Bill No. 77,

As amended, do pass.

House Bill No. 164, joint memorial,

Which we recommend you do pass.

House Bill No. 163, joint memorial,

Which we recommend do not pass.

Also, we have had under consideration those subjects of the Governor's message which were referred to us and passed upon them as follows:

Capital Warrants—We recommend the appointment of a special committee to consist of Messrs. Stewart of Walsh, Williams of Grant, and Sprague of Steele to examine into this subject and report as soon as practicable to the House.

The Census—New Orleans Exposition—Coming Exposition in London, England—An Act Limiting Territorial Indebtedness—We recommend the House approve of the suggestions made by the Governor on these subjects.

Officers of Public Institutions—We recommend the passage of bills covering the recommendations made by the Governor in regard to the appointment of regents, directors, etc.

DONALD STEWART,
Chairman.

REPORTS OF SELECT COMMITTEES.

The following report was presented:

MR. SPEAKER:

The special committee, to whom
House Bill No. 38,
Was referred for amendment, beg leave to report the following amendments:

In section 1, to strike out the words "one newspaper in each county where a newspaper is published," and insert in lieu thereof "newspapers to be hereafter designated."

Substitute for section 2: That each member of the Council and House, before final adjournment of the Legislature, do furnish the secretary the name of one paper in his district in which he desires such publication to be made.

J. W. BURNHAM,
JOHN WOLZMUTH,
W. R. RUGGLES,
Committee.

MOTIONS AND RESOLUTIONS.

Mr. Fellows moved that a committee of three members of the House be appointed by the speaker to confer with a like committee of the Council to consider the amendments made by the House to
Council Bill No. 9,
Which the Council refused to concur in.

Which motion prevailed and
The speaker appointed Messrs. Fellows, Mentzer and Greene as such committee.

Mr. Burnham moved to reconsider the vote whereby
House Bill No. 161 was lost,
Which motion prevailed.

Mr. Dutch moved that the bill be recommitted to the Judiciary Committee,

Which motion prevailed.

Mr. Sullivan moved
That the House reconsider the vote by which joint resolution for the appointment of certain committees to visit the insane asylums and penal institutions of the Territory of Dakota was passed and that the motion to reconsider lay on the table,
Which motion prevailed.

Mr. Greene moved

To reconsider the vote by which substitute for House Bill No. 86 was passed, and that the substitute bill be printed and referred to the Committee on Counties,

Which motion prevailed.

Mr. Dodds moved

The adoption of the report of the Committee on Territorial Affairs,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That House Bill No. 2 be made a special order for Monday, February 14, 1887, and that the bill be reprinted as amended,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February, 11, 1887.

I have the honor to transmit herewith

Council Bill No. 3,

A bill for an act to provide for the taxation of persons, co-partnerships, associations, car-loaning companies, sleeping car companies, corporations, and fast freight lines engaged in the business of running cars over any railroads in this Territory and not being exclusively the property of any railroad company paying taxes on their gross earnings,

Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of the official bonds of the territorial and county officers, and recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes.

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same,

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Polical Code, entitled incorporation of towns and cities, Which have passed the Council and ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 37,

A bill for an act to amend article 11, chapter 3, division 2 of the Civil Code entitled, "Insurance,"

Which was lost on passage.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
Feburary 11, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 56,

A bill for an act to amend sections 46 and 66 of chapter 44 of the General Laws of 1883,

House Bill No. 117,

Joint Resolution providing for the printing of Long's Legislative Handbook,

Which have passed the Council without change.

House Bill No. 41,

A bill for an act to amend sections 15 and 16 of chapter 122 of the Laws of 1881,

Which the Council has amended as follows: Striking out the word "three" in the last line of section 1 and insert in lieu thereof the word "five" and at the end of section 2 of said bill add the following words: "also by striking out the words provided that the county of Charles Mix be exempted from the provisions of this act." Striking out the word "three" in line 9 of section 1 and inserting in lieu thereof the word "one," and by striking out the word "persons" in the same line and insert "voters" and by adding the following to the end of said section: "as evidenced by the vote cast at the last preceding general election," and ask your concurrence therein.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 12, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 49,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease and maintain systems or parts of systems of waterworks, telegraphic fire signals or fire apparatus,

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at territorial encampment held at Fargo, Dakota, in September, 1885,

Which have passed the Council and your concurrence therein is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 12, 1887.

MR. SPEAKER:

I have the honor to transmit

Council Bill No. 154,

A bill for an act to declare and protect the legal and personal identity of married women,

Which has passed the Council, and your concurrence therein is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Patton of Lawrence introduced—

House Bill No. 194,

A bill for an act to amend sections 1 and 15 of chapter 41 of the laws of 1881,

Which was read the first time.

Mr. White introduced—

House Bill No. 195,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture, and relative to agricultural societies and agricultural fairs, and providing for the reports of the same.

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 3,

A bill for an act to provide for the taxation of persons, co-partnerships, associations, car loaning companies, sleeping car companies, corporations and fast freight lines,

Was read the first time.

Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers, and for recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes,

Was read the first time.

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same,

Was read the first time.

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled incorporation of towns and cities,

Was read the first time.

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at the territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the first time.

Council Bill No. 49,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease and maintain systems or parts of systems of water works, telegraphic fire signals or fire apparatus,

Was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 28,

A bill for an act to appropriate for the support of fire departments of each city, town or village in the Territory a part of the tax paid by fire insurance companies, etc.,

Was read the third time and passed.

The roll being called there were ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Mallory, Pruitt, Sullivan.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 46,

A bill for an act to provide for the issuing of duplicates of bonds or coupons lost or destroyed,

Was read the third time and placed on its passage.

The roll being called there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Moore, Morris, Royer, Ruggles, Shook, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Dutch, Greene, Miltimore, Patton of Lawrence, Patten of Miner, Pruitt, Sprague, Sullivan, Williams of Burleigh.

Messrs. Schnaidt and Stewart of Fall River, being excused.

So the bill passed, and

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

Mr. Williams of Burleigh moved

That the reading at length of house bills be dispensed with and the bills be read by their titles and referred to appropriate committees,

Which motion prevailed.

House Bill No. 155,

A bill for an act to amend chapter 24 of the Political Code of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 183,

A bill for an act to make appropriations for the maintence of the Territorial Penitentiary at Sioux Falls and for necessary repairs and improvements,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 184,

A bill for an act to repeal chapter 126 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Railroads.

House Bill No. 185,

A bill for an act providing for the payment of jury fees in civil actions in the district court,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 186,

A bill for an act in relation to the vacation of town plats,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 187,

A bill for an act to repeal chapter 85 of the Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 188,

A bill for an act to repeal chapter 66 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use and to confiscate such property,

Was read the second time, and

Referred to the Committee on Territorial Affairs.

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and providing land for the school for deaf mutes,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing for interest thereon,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Ward,, by unanimous consent, introduced—

House Bill No. 196,

A bill for an act providing that women may vote upon all questions relating to schools and the regulation and restraint of the manufacture and sale of intoxicating liquors,

Which was read the first time.

THIRD READING OF HOUSE BILLS.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 21; nays, 22; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Hubbard, Mallory, McDonell, Moore, Ruggles, Sprague, Stewart of Walsh, Sullivan, Williams of Grant, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Burnham, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Jones, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Shook, Terrill, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Mentzer, Pruitt.

Messrs. Schnaidt and Stewart of Fall River, being excused.

So the bill was lost.

House Bill No. 158,

A bill for an act to amend section 2 of chapter 57 of the Session Laws of 1883,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Ely, Mentzer, Morris, Pruitt.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 163,

Joint resolution and memorial praying for the passage by Congress of a national law for the extermination of contagious pleuro-pneumonia among cattle in the United States,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 27; nays, 16; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Jones, Mallory, McDonell, Miltimore, Patten of Miner, Royer, Ruggles, Terrill, Ward, White. Williams of Burleigh, Wise, Wolzmuth.

Those who voted in the negative were:
Messrs. Adams, Berry, Bidlake, Dodds, Ensign, Hobart, Hubbard, Mentzer, Moore, Patton of Lawrence, Shook, Sprague, Stewart of Walsh, Williams of Grant, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Morris, Pruitt, Sullivan.

Messrs. Schnaidt and Stewart of Fall River being excused.

So the bill passed, and
Its title was agreed to.

House Bill No. 164,
A joint memorial praying Congress for the improvement of the Big Sioux river,
Was read the third time and placed on its final passage.

The roll being called, there were ayes, 43; nays, none; not voting, 5.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Cooper, Pruitt, Sullivan.

Messrs. Schnaidt and Stewart of Fall River, being excused.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved
To suspend the rules and that Council Bill No. 154 be read the first, second and third times and placed on its final passage,
Which motion was lost.

COMMITTEE OF THE WHOLE.

Mr. Hawk moved
That the House do now resolve itself into the committee of the whole to consider the general orders,

Which motion prevailed and

The speaker called Mr. Hawk to the chair.

When the committee rose, the following report was made:

MR. SPEAKER:

The committee of the whole had under consideration

House Bill No. 38,

A bill for an act to provide for the publication of legislative acts,

Together with the report of the special committee and the amendments proposed by them, and recommend that the bill be recommitted to the Committee on Territorial Affairs.

Also,

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies,

Together with the amendments proposed by the Insurance Committee, and recommend the passage of the bill with the following amendments:

"To the probate judge," in line 8 of section 7, to be stricken out.

Also to strike out all of section 10 after the word "claimant," in the ninth line, and insert instead thereof "shall choose a disinterested party and the company shall choose a disinterested party, who shall constitute a board of arbitration to settle such losses, and in case these parties cannot agree, they shall choose a third party to act with them, and said board of arbitration shall have power to examine witnesses and determine all matters in dispute, and the decision of said board shall be final."

Also to insert after the word "Tuesday," in the third line of section 15, the words "after the first Monday."

Also,

House Bill No. 141,

A bill for an act to provide funds for building an extension and dormitory for the Spearfish normal school,

Together with the amendments proposed by the Appropriation Committee, and recommend that the bill be recommitted to the Committee on Appropriations, and that it be made a special order for February 19, 1887.

W. J. HAWK,
Chairman.

Mr. Aikens moved as an additional report to Council Bill

No. 137, the following: To insert in line fourteen, after the word "final" in section 10 the words "unless before the award is fully made either party rescind the arbitration,"

Which motion was lost.

Mr. Mentzer moved

The adoption of the report of the committee of the whole,

Which motion prevailed.

Mr. Sullivan moved

That the House do now adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-FIFTH DAY.

BISMARCK, February 14, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Greene, Hawk, McDonell and Schnaidt, excused.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 12, 1887, and find the same correct as printed, and recommend the approval of the same

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Journal approved and the reading dispensed with.

PETITIONS AND COMMUNICATIONS.

Mr. Shook presented the following:

NEW ROCKFORD, DAK., 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

At a regular meeting of Robert Cummings Post, No. 113, Department of Dakota, Grand Army of the Republic, it was resolved, that we endorse the movement now being made in the Legislative Assembly for the establishment of a Soldiers' and Sailors' Home in the Territory of Dakota, and we would most respectfully urge the passage of the bill by your honorable body.

C. H. CULVER, Commander.

Attest: E. P. HALL, Adjutant.

Which was referred to the Committee on Military Affairs.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend the passage of

House Bill No. 185,

A bill for an act providing for the payment of jury fees in civil actions in the district court, and

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885.

The committee recommend that the House concur in the amendments of the Council to

House Bill No. 41,

A bill for an act to amend section 15 and 16 of chapter 122 of the laws of 1881,

And that as amended the bill do pass.

They also recommend that section 1 of

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Be amended by striking out in section 1 of the bill, the words "the receipt of such warrant" where they occur in said section 1 and insert in lieu thereof the words "making such seizure" and that the following sections be added to the original bill:

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

As amended, the committee recommend the passage of the bill.

FRANK R. AIKENS,
Chairman.

The chairman begs leave to further report that in regard to

House Bill No. 189,

He and other members of the committee do not concur and the time not being sufficient to make and submit a minority report, he asks the indulgence of the House giving the minority until Wednesday in which to submit such report, and then have the matter discussed.

FRANK R. AIKENS,
Chairman.

Mr. Dodds moved the adoption of the report.

Mr. Berry moved that Tuesday be substituted for Wednesday which was lost,

And the original motion prevailed.

MR. SPEAKER:

Your Committee on Agriculture to whom was referred

House Bill No. 23,

A bill for an act to amend section 1 of an act entitled an act to prevent the spread of noxious weeds,

Beg leave to report as follows:

To amend the title by inserting the words and figures "of chapter " after the word "one" where it occurs in said title; and also to insert the words and figures "of chapter " after the word "one" of the enacting clause.

To amend by striking out the word "three" where it occurs in line 19 of the printed bill and inserting the word "two" also by striking out the word "four" in the twentieth line of the printed bill and inserting in lieu thereof the word "three."

To amend by inserting the words "Russian thistle" after the word "mustard" where it occurs in line 4 of the printed bill.

To amend by inserting in section 2 a repealing clause—"all acts or parts of acts in conflict with this act are hereby abrogated and repealed," and change the present section 2 to section 3. And as thus amended we recommend that the bill do pass.

We also report

House Bill No. 188,

A bill for an act to repeal chapter 66 of the General Laws of 1885,

Without recommendations.

Also,

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled tree planting,

With the recommendation that it do pass.

J. V. WHITE,
Chairman.

MR. SPEAKER:

Your Committee on Townships and Cities, to whom was referred

Council Bill No. 28,

Have had the same under consideration and recommend that it do pass.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

House Bills Nos. 13 and 56 and

Joint Resolution No. 117,

and find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 57 and 71,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Ways and Means ask leave to report as follows:

They recommend the passage of the following bills:

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,

House Bill No. 12,

A bill for an act to amend section 54 of chapter 28 of the Political Code and section 4 of chapter 49 of the Session Laws of 1879,

House Bill No. 109,

A bill for an act to permit county commissioners to compromise delinquent taxes,

Council Bill No. 105,

A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled "Township Government."

They also recommend that
House Bill No. 24
Do not pass.
They also recommend that
House Bill No. 14
Be referred to the Judiciary Committe.

A. S. STEWART,
Chairman.

Mr. Williams of Burleigh, moved the adoption of the majority report,

Which motion prevailed.

MR. SPEAKER:

The Committee on Ways and Means have had under consideration

House Bill No. 14,

And, after having given the bill careful consideration, the undersigned minority report as follows:

That the said bill do not pass.

JOHN R. DUTCH,
DONALD STEWART.

MR. SPEAKER:

Your Committee on Enrolled and Engrossed Bills respectfully reports that at the hour of 2:50 p. m of this day,
House Bills Nos. 26, 56 and 13, and also
Joint Resolution No. 117,
Were delivered to the acting governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined

House Bill No. 26,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Ward moved

To reconsider the vote by which House Bill No. 77 was lost and that the bill be referred to the Committee on Territorial Affairs,

Which motion prevailed.

Mr. Elliott moved

That House Bill No. 2 be made the special order for Tuesday, February 15, 1887, at 3 o'clock p. m.,

Which motion prevailed.

Mr. Cook presented the following:

Resolved, That there be printed two hundred copies of an act recently passed extending the penalty on delinquent taxes, for distribution by the members of this legislature to the several county treasurers,

Which resolution was adopted.

Mr. Dodds moved

That the postmaster of this House be instructed to ascertain how many copies of Council Bill No. 163 have been mailed by each member, and to have the proper postage placed on each copy,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That Council Bill No. 119 be re-printed as amended and referred to the Committee on Judiciary.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Harkins introduced—

House Bill No. 197,

A bill for an act to provide funds for the purchase of experimental farm and the construction of dormitory, shops, laboratory and farm buildings for the agricultural college of Dakota, at Brookings, and for other purposes,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 198,

A bill to amend the charter of Groton Collegiate institute,

Which was read the first time.

Mr. Bidlake introduced—

House Bill No. 199,

A bill for an act to regulate attorneys' fees in case of foreclosure of chattel mortgages by advertisement,

Which was read the first time.

Mr. Sprague introduced—

House Bill No. 200,

A bill for an act to repeal section 14 of Special and Private Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dak., approved March 13, 1885,

Which was read the first time.

Mr. Bidlake introduced—

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 154,

A bill for an act to declare and protect the legal and personal identity of married women,

Was read the first time.

Mr. Ward moved

To suspend the rules, that Council Bill No. 154, relating to the rights of married women, be read the second and third times and placed on its final passage,

Which motion prevailed.

Council Bill No. 154,

A bill for an act to declare and protect the legal and personal identity of married women,

Was then read the third time and placed on its final passage.

The roll being called, there were ayes, 39; nays, 1; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Patton of Lawrence.

Absent and not voting:
Messrs. Cooper, Fellows, Pruitt, Wolzmuth.

Messrs. Greene, Hawk, McDonell, Schnaidt, being excused.

So the bill passed, and
Its title was agreed to.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 3,
A bill for an act to provide for the taxation of persons, co-partnerships, associations, car loaning companies, sleeping car companies, corporations and fast freight lines,
Was read the second time, and
Referred to the Committee on Ways and Means.

Council Bill No. 17,
A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers, and for recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes,
Was read the second time and
Referred to the Committee on Ways and Means.

Council Bill No. 119,
A bill for an act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same,
Was read the second time and
Referred to the Committee on Judiciary.

Council Bill No. 148,
A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled incorporation of towns and cities,
Was read the second time and
Referred to the Committee on Towns and Cities.

Council Bill No. 98,
A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at the territorial encampment held at Fargo, Dakota, in September, 1885,
Was read the second time and

Referred to the Committee on Appropriations.

Mr. Aikens by unanimous consent moved
That Council Bill No. 105 be amended as follows:

Amend title, first, by inserting after figure 74 the words "subchapter number one;" second, strike out word "session," insert word "general,"
Also,
Insert in section 1, after figures 74 the words "of subchapter number one,"
Which motion prevailed, and
The amendments were adopted.

Council Bill No. 105 (as amended),
A bill for an act to amend section 74 of chapter 112 of the Session Laws of 1883, entitled "Township Government,"
Was then read the third time and placed on its final passage.

The roll being called there were ayes, 40; nays none; not voting, 8.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Ensign, Jones, Mentzer, Sullivan.

Messrs. Greene, Hawk, McDonell and Schnaidt being excused.

So the bill passed and
Its title was agreed to.

Mr. Hobart moved
That the reading at length of House Bills be dispensed with,
Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 177,
A bill for an act for the creation of a board of railroad

and warehouse commissioners and for the regulation of commissioners,

Was read the second time and

Referred to the Committee on Warehouses and Grain Grading.

THIRD READING OF HOUSE BILLS.

House Bill No. 12,

A bill for an act to amend section 54 of chapter 28 of the Political Code, and section 4 of chapter 49 of the Session Laws of 1879, entitled Revenue,

Was read the third time, and

Mr. Burnham moved

To recommit to the Committee on Ways and Means,

Which motion prevailed.

House Bill No. 24,

A bill for an act to amend section 4, chapter 60, General Laws of 1881,

Was read the third time, and

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Was read the third time.

Mr. White moved

To refer it to general orders for February 17, 1887.

Which motion was lost.

The roll then being called on the final passage of the bill, there were ayes, 38; nays, 4; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Hobart, White.

Absent and not voting:
Messrs. Mentzer, Sullivan.

Messrs. Greene, Hawk, McDonell and Schnaidt being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 109,
A bill for an act to permit county commissioners to compromise delinquent taxes,
Was read the third time and placed on its final passage.

The roll being called, there were ayes, 34; nays, 5; not voting, 9.

Those who voted in the affirmative were:
Messrs. Adams. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Cooper, Mallory, Patton of Lawrence, Terrill, Wolzmuth.

Absent and not voting :
Messrs. Fellows, Hobart, Jones, Mentzer, Sullivan.

Messrs. Greene, Hawk, McDonell and Schnaidt being excused.

So the bill passed, and
Its title was agreed to.

House Bill No. 133,
A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled "Tree Planting,"
Was read the third time and placed on its final passage.

The roll being called there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Glendenning, Harkins, Hobart, Hubbard, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh,

Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Ely, Fellows, Gilbert, Jones, Mentzer, Sullivan.

Messrs. Greene, Hawk, McDonell and Schnaidt being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 185,

A bill for an act providing for the payment of jury fees in civil actions in the district court,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affirmative were:

Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Ely, Mentzer, Pruitt and Sullivan.

Messrs. Greene, Hawk, McDonell and Schnaidt being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 188,

A bill for an act to repeal chapter 66, of the General Laws of 1885,

Was read the third time.

Mr. Stewart of Fall River, moved

To make the bill a special order for February 17, 1887.

Mr. Williams of Burleigh, moved

To commit the bill to the Committee on Territorial Affairs,

Which motion prevailed.

Mr. White moved

That House Bill No. 71, relating to contagious and infectious diseases among domestic animals, be recommitted to the Committee on Public Health,

Which motion prevailed.

Mr. Aikens by unanimous consent introduced—

House Bill No. 202,

A bill for an act to prevent and suppress the spread of infectious diseases among domestic animals,

Which was read the first time.

COMMITTEE OF THE WHOLE.

Mr. Cooper moved

That the House do now resolve itself into a committee of the whole

Th consider general orders,

Which motion prevailed, and

The speaker called Mr. Sprague to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 23,

A bill for an act to amend an act entitled an act to prevent the spread of noxious weeds in the Territory of Dakota, approved March 12, 1885,

Together with the report of the Committee on Agriculture, and recommend that the bill be recommitted to the Committee on Agriculture.

Also have had under consideration,

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceeding by attachment, together

With the amendments proposed by the Judiciary Committee and recommend that section 1 of Council Bill No. 69 be amended by striking out the words "the receipt of such warrant" where it occurs in said section 1 and insert in lieu thereof the words "making such seizure," and that the following sections be added to the original bill:

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act snall be in force from and after its passage and approval, and when so amended that the bill do pass.

D. W. SPRAGUE,
Chairman.

Mr. Aikens moved
To adopt the report of the committee of the whole,
Which motion prevailed.

By unanimous consent, the special committee to whom was referred
House Bill No. 147,
A bill for an act to provide seed grain and assistance for those whose crops were destroyed in 1886,
Made the following report:

MR. SPEAKER:
Your special committee, to whom was referred
House Bill No. 147,
A bill for an act to provide seed grain and assistance for those whose crops were destroyed in 1886,
Having had the same under consideration, beg leave to report the same back to the house with the following amendments:

Amend section 2 by inserting after the word proper, in line eleven (11), the following sentence: Provided that the seed grain and assistance so furnished shall be limited to an amount necessary to seed not to exceed forty acres to each person.

Amend by striking out section 6, and substituting therefor the following as said section 6: It shall be the duty of the county commissioners of the several counties of this Territory to ascertain the number of people coming within the provisions of this act, in their respective counties, who desire assistance, and to immediately report the same to said commission, giving in their report the name of each applicant, the description of his land, the number of acres under cultivation, and the assessed value of all his property, and such other facts or information as the commission herein provided for shall require of them, in the discharge of its duties, and the applications for grain and assistance under the provisions of this act must be made to the county commissioners and reported by them to the said commission on or before the first day of April, 1887.

And as so amended the committee recommends its passage, for the following reasons:

That there exists an urgent necessity for the relief which this bill affords, in many parts of this Territory, admits of no argument. The drouth and extreme hot weather which prevailed during the months of July and August, together with storms, fires and hail, utterly destroyed the grain and other crops of the farmers of a district comprising nearly one-third of the inhabited portions of the Territory in area.

This loss of crops was in the newer and more recently settled portions of the Territory, and among a large and worthy class of people, who have recently come to this Territory, with limited means, and who were almost wholly dependent upon their crops for a living, and as a means of enabling them to continue their farming operations. Great distress and suffering prevails among these settlers, and many have no alternative but to abandon their homes, unless they are afforded the relief and assistance contemplated by this bill. Your committee believes that it is plainly and imperatively the duty of this Legislature to provide such relief and assistance, in aid of those of our people who have been visited with a calamity which no human foresight could avert or avoid.

The territory as a whole has been prosperous; the labors of the great majority of her people and farmers have been rewarded by bountiful harvests and in other ways, and it is submitted that prompt and effective measures should be taken by the lawful representatives of the people of the whole Territory to alleviate the distress known to be existing, and to assist the unfortunate, who are needy and destitute through no fault of their own.

In considering and recommending the passage of this bill your committee have not overlooked an objection which some would raise, namely, that it advertises our misfortunes and may thereby retard immigration, but your committee is of the opinion, on the contrary, that insomuch as Dakota is but one of the many states and territories which suffered from similar causes last year, it is more likely to be the fact that in the calmer judgment of intelligent people one of the very best recommendations that this Territory can have is to let it be known that, instead of sending out appeals for aid for her unfortunate settlers, she takes prompt and cheerful steps to alleviate their suffering by providing the necessary means for the purpose out of her own treasury.

Nor is this measure new or without precedent. In 1875, the Legislature of this Territory authorized the issue of

$25,000 in bonds to furnish seed and assistance to the farmers who lost their crops by grasshoppers. That was a much larger appropriation then, considering the wealth and population of the Territory and the number of people requiring assistance, than this. The total vote of the Territory in 1874 was 6,787, while last year it was 104,812; and the wealth of the Territory, then and now, was in about in the same proportion. Those requiring assistance then were residents of the extreme southern portion of the Territory; the central portion was not settled, and in the northern part there was but little farming done at that time. But no one then objected to the appropriation, because of the fact that outside of the stricken district the people of the Territory were blessed with plenty, and did not need assistance; and it is not thought that any one will claim that the act of the Legislature in 1875, in aid of the farmers suffering from the ravages of grasshoppers, retarded immigration or materially affected the prosperity or standing of the Territory.

The state of Minnesota has at different times made appropriations to relieve the distress of her citizens, suffering from the visitation of grasshoppers and different causes, and other states have adopted similar measures when the occasion and necessities of the people have warranted the same.

It is worthy of note that the destitution of our farmers in the district alluded to has attracted the attention of the management of a great railroad line passing through the Territory, and that in recognition of the existing state of affairs, the railroad company in question has authorized the expenditure of $100,000 to buy seed grain to be furnished as a loan to the farmers living along and near its line. This action of the railroad company is deserving of the highest commendation as a generous and wise policy; but, in the judgment of your committee, what the railroad proposes to do, so far from relieving the Territory from responsibility in the matter, only makes it more clearly the highest duty of the Territory to make such provision, on its own account, for its farmers in distress as will extend the work of relief and assistance in all directions into the interior of the afflicted portions of the Territory. It is respectfully represented in conclusion that as the time is very short between the present and the time of seeding, the immediate consideration and passage of this bill is urgently demanded, in accordance with the recommendation of your committee.

JOHN R. DUTCH.
Chairman.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The following communication was received from the attorney general:

To the Honorable, the House of Representatives of the Territory of Dakota:

In response to your resolution of the 11th inst., I beg leave to submit the following reply:

1. Under the existing laws of this Territory, a per centum of the gross earnings of each railroad is made payable to the territorial treasurer in lieu of all other taxation, and therefore all railways paying this per centum are not subject to any other taxation.

2. The act of congress passed July 2, 1864, granting lands to aid in the construction of a railroad line from Lake Superior to Puget Sound on the Pacific coast by the northern route, exempts from taxation the right of way of the Northern Pacific railway four hundred feet wide, with its tracks, the necessary grounds for station buildings, work shops, depots, machine shops, switches, side tracks, turn tables and water stations.

3. As to other railroads operated within this Territory, I am not aware of any law exempting their right of way—that is, their track and fixtures—from taxation as before stated as to payment on gross earnings.

4. The rolling stock and like personal property, if liable at all, would be taxable at the principal office of each company. Redfield on railways, vol. 2nd, 5th edition, pages 420 and 421, and cases there cited. I have the honor to remain, your obedient servant,

GEO. S. ENGLE,
Attorney General.

UNFINISHED BUSINESS.

Mr. Sullivan moved

To postpone indefinitely the further consideration of House Bill No. 106,

A bill for an act to facilitate making proof in actions brought to recover money on account or on assessable stocks and notes,

Which motion prevailed.

Mr. Shook moved
That the House adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-SIXTH DAY.

BISMARCK, February 15, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,
The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. McDonell, Schnaidt, Shook and Sullivan, excused.

The committee to revise and correct the Journal reported as follows:

MR. SPEAKER:
The committee to revise and correct the Journal have examined that of February 14, 1887, and find the same correct as printed, and recommend the approval of the same.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted, and the Journal of the preceding day approved.

The Speaker announced his signature to
Council Bills Nos. 46 and 155.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:
The Judiciary Committee respectfully report as follows:
They recommend the passage of
Council Bill No. 50,
A bill for an act to amend section 677 of Code of Civil Procedure relating to damages caused by railroads.

Also,

House Bill No. 174,

A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives from justice.

The committee have considered

House Bill No. 187,

A bill for an act to repeal chapter 85 of the Laws of 1885,

And report a substitute for said bill, and recommend the passage of the substituted bill.

They recommend that section 1 of

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota be amended by striking out the word "conclusive" in the sixteenth line and insert in lieu thereof the word "presumptive." Also strike out the word "punitive" wherever it occurs in said section 1. As amended the committee recommend the passage of the bill.

FRANK R. AIKENS,
Chairman.

The chairman, without a desire to make a minority report does not concur in the report of the majority and recommends that House Bill No. 153, bill as amended do not pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Counties to whom was referred

House Bill No. 53,

A bill for an act to provide not less than five county commissioners in all organized counties having one thousand or more voters,

Have considered the same and respectfully beg leave to report that they recommend that the bill do not pass.

Also,

House Bill No. 172,

A bill for an act to define the boundaries of Ward and Renville counties,

And recommend that it do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your Committee on Railroads having had under consideration

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1885,

Beg leave to report as follows:

To amend by inserting as section 1 an enacting clause, and to amend section 2 so as to read as follows:

SEC. 2. That the words "not to exceed six days" shall be inserted after the word "notice" in the third line of section 9, chapter 126 of the Session Laws of 1885.

And we recommend that so amended the bill do pass.

JOHN HOBART,
Chairman.

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 79,

A bill for an act repealing chapter 99 of the General Laws of 1883,

Have the honor to report the same back to the house without recommendation.

JOHN HOBART,
Chairman.

MR. SPEAKER.

Your Committee on Appropriations has had under consideration

Council Bill No. 120,

Joint resolution providing for the payment of enrolling and engrossing clerks and clerks of the Judiciary Committee,

And recommend that it do pass.

Also,

Council Bill No. 138,

Joint resolution to provide for the purchase of Session Laws,

And recommend that it do pass.

WM. N BERRY,
Chairman.

MR. SPEAKER.

Your Committee on Public Health beg leave to report that they have considered

House Bill No. 71,

Recommitted to them and herewith return the same with amendments offered without recommendation, to amend by adding the word "Swine" to the sections where animals infected with contagious diseases occurs.

D. W. ENSIGN,
Chairman.

The following minority report of the House Committee on Railroads was presented:

MR. SPEAKER:

A minority of your House Committee on Railroads, to which was referred

House Bill No. 2,

A bill for an act to amend an act entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this territory,

Failing to concur in the majority report of said committee, beg leave to report as follows:

Your committee recommend that said bill do not pass, for the following reasons, to-wit:

First. Because said bill clearly seeks to confer upon the board of railroad commissioners of this Territory certain judicial powers to adjudicate, try and determine questions relating to the violation of the laws of this Territory, and the rules, regulations and mandates of said board of railroad commissioners, subject to the right of any company or corporation to appeal from their decision, as from the decision of any other inferior judicial tribunal, and this we believe to be beyond the power of a territorial Legislature to do, and in violation with the provisions of the organic act of the Territory, limiting and defining the scope of judicial powers in the several territories of the United States. Section 1,907 of the Revised Statutes of the United States specifies in what bodies or persons judicial powers are vested in the several territories, namely: In a supreme court, district court, probate courts, and certain limited jurisdiction and judicial powers in justices of the peace; boards of commissioners are not among the number, and therefore cannot be vested with such powers, or made in any sense courts, by any law of a territorial Legislature. The supreme court of Montana, construing this act of Congress, holds that commissioners can have no judicial powers, they cannot in any sense exercise the functions of the court, neither can such functions be vested in them, for by the organic act, the judicial powers of a territory are vested in the courts, and any statute of a territory that attempts to clothe commissioners with judicial authority, is necessarily null and void. This doctrine is clearly held by the United States supreme court, construing the same statute in the case of Ferris vs. Higlay, reported in the 20th, Wallace. p. 383. A case is now pending before the supreme court of this Territory, in which it is claimed that the very limited discretionary powers vested in the board of county commissioners is a usurpation of judicial powers, unwarranted by this provision of the organic act and in violation thereof.

Second. This bill provides no new or additional relief to any person, company or corporation in any manner affected by the decision or acts of the board of commissioners. That act clearly provides a plain, speedy and adequate remedy in the case of any violation of the rules or mandates of the commissioners or the statute regulating their duties and powers. Section 13 of chapter 126, in the Laws of 1885, providing that any person aggrieved by the act of any railroad corporation in violation of the provisions of that act shall be entitled to recover treble damages, costs and attorney fees. And section 15, providing, that it is the duty of the commission to enforce its provisions in the courts of the Territory, and in case of the neglect of a district attorney to prosecute, the attorney general shall in all cases where complaint is made by the commission.

Third. The law has already furnished a direct remedy in courts having original jurisdiction, and if the commissioners cannot exercise judicial functions and have no jurisdiction, then the appellate court could exercise none, and the persons aggrieved would be deprived of all remedy, except under the common law. If the commissioners can exercise judicial powers, then persons aggrieved would have no better or more adequate remedy, after having once tried their case before the board of commissioners, and after appeal taken, than they now have under the existing statute.

Fourth. This bill provides for an appeal by a company or corporation aggrieved by the acts of the commissioners; but provides for no appeal by a private citizen aggrieved; hence, in case the act itself was of any validity, the wealthy corporation could have its remedy by appeal to the courts, while the poor farmer would be left remedyless.

F. GREENE.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 4:15 p. m. of this day

Joint Resolution No. 193

Was delivered to the acting Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills have examined

Joint Resolution No. 193,

and find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 158, 163, 164 and 168,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 94 and 41,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 5:45 p. m. of this day

House Bills Nos. 41 and 94

Were delivered to the Acting Governor for his approval

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sprague introduced the following resolution:

A CONCURRENT RESOLUTION

Of the House and Council of the Legislative Assembly of Dakota.

Resolved, That the chairmen of the several committees of the Council and of the House of Representatives are hereby instructed to meet at an early date and arrange for holding meetings of the several committees at such times and places as shall not conflict with each other, and that when such times and places shall have been determined, the chairmen of the several committees shall cause the same to be published daily in the Journals of the two Houses.

After such publication it shall be the duty of the members of the several committees to attend all meetings of the same. In default of such attendance, each member so absent shall forfeit the sum of one dollar for each absence, the same to be deducted from his per diem upon settlement with the secretary, such forfeiture to be based upon the sworn statement of the chairmen.

Provided, That absences for cause shall not be reported by the chairmen.

Mr. Williams of Burleigh, moved

That the resolution be referred to Mr. Sprague as a special committee of one.

Which motion was lost, and

The resolution was lost.

Mr. Aikens moved

That whenever any bills engrossed and enrolled, shall be transmitted to the governor, the original bill as introduced, together with any amendments adopted, shall accompany the same and be delivered to said executive,

Which resolution was adopted.

Mr. Aikens moved

That House Bill No. 79 be referred to general orders,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That House Bill No. 53 be referred to general orders,

Which motion prevailed.

Mr. Mentzer moved

That House Bill No. 2 be referred to the Judiciary Committee.

Mr. Adams moved

To lay the motion on the table.

Yeas and nays demanded.

The roll being called there were ayes, 26; nays, 16; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Morris, Patten of Miner, Pruitt, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ely, Ensign, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Royer, Ruggles, Stewart of Fall River, Williams of Burleigh, Wolzmuth.

Absent and not voting:

Mr. Bidlake.

Messrs. Hawk, McDonell, Schnaidt, Shook, and Sullivan being excused.

So the motion to lay on the table prevailed.

Mr. Williams of Burleigh moved

That the consideration of the bill be postponed until Wednesday at 3 p. m.

Which motion was lost.

COMMITTEE OF THE WHOLE.

Mr. Elliott moved—

That the House do now resolve itself into a committee of the whole to consider House Bill No. 2, the special order for the day.

Mr. Greene demanded a call of the House.

Mr. Fletcher moved—

To dispense with further proceedings under the call.

Which motion prevailed and

The original motion prevailed and

The speaker called Mr. Jones to the chair.

When the committee rose the following report was presented:

MR. SPEAKER:

The committee of the whole have had under consideration,

House Bill No. 2,

A bill for an act to amend an act entitled, an act to provide for the establishment of a board of railroad commissioners, etc.,

And recommend to strike out all in section 1, commencing with the word "provided" in the twenty-seventh line of the printed bill, and insert in lieu thereof the following:

Provided, however, that the report, finding, or decision of the commissioners may be reviewed by the district court, on written exceptions filed by either party, in the clerk's office within thirty days after the rendition of such report, find or decision, and the court shall make such order therein as right and justice may require, either by confirming, modifying or rejecting the same. And for this purpose either party shall have the right to appeal as in other cases, and notice of such appeal shall be served within said thirty days, either upon the district attorney or the attorney general, as the case may be, and either party may appeal from the decision of the district court to the supreme court. And the procedure of furnishing security on appeals shall be the same as is now provided by law for ordinary actions,

And recommend the passage of the bill when so amended.

J. G. JONES,
Chairman.

Mr. Stewart, of Fall River, moved as an addition to the report: After section 1 insert the following as section 2:

That the said commissioners, as designated in section 1, shall be elected by a joint convention of the Council and House of Representatives of this Legislature, and said commissioners shall be selected from the following districts in this Territory: One from that portion of the Territory of Dakota south of the 46th parallel of latitude, and east of the Missouri; one from that portion of Dakota Territory north of said 46th parallel and east of the Missouri river, and one trom that portion of Dakota Territory west of the Missouri river. That said commissioners so selected shall hold their office until the general election of 1888, at which time a commissioner shall be elected in each of the districts above designated.

Mr. Adams moved as a substitute motion

That the report of the committee of the whole be adopted.

Mr. Stewart, of Fall River, moved as an amendment to the substitute motion, the above section 2.

Ayes and nays demanded.

Amendment to substitute motion to adopt report of committee of whole on House Bill No. 2.

The roll being called, there were ayes, 12; nays, 23, not voting, 13.

Those who voted in the affirmative were:

Messrs. Ensign, Mallory, Moore, Patton of Lawrence, Ruggles, Sprague, Stewart of Fall River, Terrill, White, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Morris, Patten of Miner, Stewart of Walsh, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Ely, Fellows, Greene, Jones, Pruitt, Royer, Williams of Burleigh.

Messrs. Hawk, McDonell, Schnaidt, Shook and Sullivan being excused.

So the amendment to the substitute motion was lost and the original motion to adopt the report prevailed.

Mr. Elliott moved

To suspend the rules, that House Bill No. 2 be read the second and third times and placed on its final passage.

The speaker stated that under the rules the bill would first have to be enrolled by the Committee on Enrolled and Engrossed Bills, unless otherwise ordered by a two-thirds vote.

The bill was so referred.

The speaker signed House Bill No. 193.

MESSAGES FROM THE COUNCIL.

The following messages was received from the Council:

COUNCIL CHAMBER,
February 15, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your favorable consideration of

Council Bill No. 164,

A bill for an act to protect large game and quail in Dakota Territory,

And to return

House Bill No. 193,

A joint resolution for the appointment of certain committees to visit the insane asylums and penal institutions of Dakota, Which has been passed by the Council unchanged.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February, 15, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 127,

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,

Council Bill No. 165,

A memorial to Congress asking for the appointment of a commission to select school lands,

Council Bill No. 173,

A bill for an act creating and defining a subdivision of the second judicial district,

Which have been passed by the Council, and your concurrence therein requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 15, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code,

Which the Council has passed without change.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 15, 1887.

MR. SPEAKER.

I have the honor to return herewith

House Bill No. 15,

A bill for an act to amend chapter 78 of the General Laws of 1885,

Which bill has been amended by the Council as follows:

That section 1 of chapter 78 of the General Laws of 1885 be and the same is hereby amended to read as follows, viz:

SECTION 1. That the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, Moody and Lake shall constitute the Fourth judicial district, and each of said counties shall constitute a judicial subdivision, and the terms of the district court shall be held therein as follows, to-wit:

Clay county, the first Tuesday in February and the third Tuesday in September.

Union county, the third Tuesday in February and the first Tuesday in September.

Turner county, the fourth Tuesday in February and the fourth Tuesday in September.

Lincoln county, the second Tuesday in March and the third Tuesday in October.

Minnehaha county, the second Tuesday in April and the second Tuesday in November.

McCook county, the fourth Tuesday in May.

Lake county, the first Tuesday in June.

Moody county, the third Tuesday in June and the first Tuesday in January, provided, that for the year 1887 the court for Turner county shall be held on the third Tuesday in March instead of the said second Tuesday in March; and, thereafter, the terms of court shall be held in said counties as in this act provided,

And as thus amended has been passed.

Your concurrence in the amendments is respectfully asked, and

House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes,

Which has been passed unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Aikens moved

That the House concur in the Council amendments to House Bill No. 15.

Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received:

EXECUTIVE OFFICE,
BISMARCK, February 15, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills; viz:

House Bill No. 13,

An act to divide the Fifth subdivision of the Sixth judicial district into two subdivisions, and to provide for terms of court therein;

House Bill, No. 26,

An act to amend section 1, chapter 26, General Laws of 1879;

House Bill No. 56,

An act to amend sections 46 and 66 of chapter 44, of the General Laws of 1883;

Joint Resolution, No. 117,

Providing for the printing of Long's Legislative Hand Book.

M. L. MCCORMACK,
Acting Governor.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Gilbert introduced—

House Bill No. 203,

A bill for an act to amend certain sections of part 2, chapter 13 of the Code of Civil Procedure,

Which was read the first time.

Mr. Stewart of Fall River, introduced—

House Bill No. 204,

A bill for an act regulating the assessment, equalization and appraisement of the property of railroad companies in Dakota,

Which was read the first time.

Mr. Jones introduced—

House Bill No. 205,

A bill for an act to prohibit the traffic in hogs infected with swine plague or hog cholera and to prevent the spread of the same,

Which was read the first time.

Mr. Hubbard introduced—

House Bill No. 206,

A bill for an act to prevent agents and attorneys from negotiating loans beyond the legal rate of interest,

Which was read the first time.

Mr. Harkins introduced—
House Bill No. 207,
A bill for an act to provide against contracts for attorney's fees in notes, mortgages or other contracts, and for attorney's fees to be fixed by the court,
Which was read the first time.

Mr. Cook (by request) introduced—
House Bill No. 208,
A bill for an act requiring the board of county commissioners of each county, to use the civil and criminal docket for the use of justices of the peace as printed and copyrighted by the Argus Printing company, of Fargo, Dakota,
Which was read the first time.

Mr. Burnham (by request) introduced—
House Bill No. 209,
A bill for an act declaring dogs to be personal property and subject to taxation,

Which was read the first time.

Mr. Mallory introduced—
House Bill No. 210,
A bill for an act to provide for a forfeiture of principal and interest in all cases of usury,
Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 164,
A bill for an act to protect large game and quail in Dakota Territory,
Was read the first time.

Council Bill No. 165,
A memorial to congress asking for the appointment of a commissioner to select school lands,
Was read the first time.

Council Bill No. 127,
A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,
Was read the first time.

Council Bill No. 173,
A bill for an act creating and defining a subdivision of the second judicial district,
Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 49,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease and maintain systems and parts of systems of waterworks, telegraphic fire signals or fire apparatus,

Was read the second time.

Mr. Burnham moved

That the bill be reprinted and referred to the Committee on Towns and Cities,

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Mr. Adams moved

That Council Bill No. 50 and House Bill No. 152 be made a special order for Monday, February 21, 1887, at 3 o'clock p. m.,

Which motion prevailed.

Council Bill No. 69,

A bill for an act to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 38; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Sprague, Stewart of Walsh, Stewart of Fall River, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dutch, Ely, Pruitt, White.

Messrs. Hawk, McDonell, Moore, Schnaidt, Shook and Sullivan being excused.

So the bill passed, and

Its title was agreed to.

Council Bill No. 120,

A joint resolution providing for the compensation of tho enrolling and engrossing clerk and the clerks of the Committee on Judiciary,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 30; nays, 6; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Gilbert, Glendenning, Hobart, Hubbard, Mallory, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher, Greene, Harkins, Jones, Williams of Grant, Wyman.

Absent and not voting:

Messrs. Berry, Dutch, Elliott, Mentzer, Morris, Pruitt, Williams of Burleigh.

Messrs. Hawk, McDonell, Schnaidt, Shook and Sullivan being excused.

So the bill passed, and

Its title was agreed to.

Council Bill No. 138,

A joint resolution to provide for the purchase of Session Laws,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 21; nays, 19; not voting, 8,

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cooper, Dodds, Dutch, Ely, Greene, Harkins, Hubbard, Jones, Miltimore, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Ward, White, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cook, Elliott, Ensign, Fellows, Gilbert, Glendenning, Hobart, Mallory, Mentzer, Moore, Royer, Ruggles, Sprague, Stewart of Walsh, Terrill, Williams of Grant, Wise.

Absent and not voting:

Messrs. Fletcher, Morris, Pruitt.

Messrs. Hawk, McDonell, Schnaidt, Shook and Sullivan being excused.

So the bill passed and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from the Acting Governor:

EXECUTIVE OFFICE,
BISMARCK, February 15, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

Joint Resolution No. 193,

For the appointment of certain committees to visit the insane asylums and penal institutions of Dakota.

M. L. MCCORMACK,
Acting Governor.

The Speaker appointed Messrs. Royer and Sullivan as the House committee to visit the insane and penal institutions of Dakota.

SECOND READING OF HOUSE BILLS.

Mr. Miltimore moved

That the reading at length of House bills be dispensed with,

Which motion prevailed.

House Bill No. 194,

A bill for an act to amend sections 1 and 15 of chapter 41 of the laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 195,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture, and relative to agricultural societies and agricultural fairs, and providing for the reports of the same,

Was read the second time and

Referred to the Committee on Agriculture.

House Bill No. 196,

A bill for an act providing that women may vote upon all questions relating to schools and the regulation and restraint of the manufacture and sale of intoxicating liquors,

Was read the second time and

Referred to the Special Committee of five.

House bill No. 197,

A bill for an act to provide funds for the purchase of experimental farm and the construction of a dormitory, shops, labratory and farm buildings for the agricultural college of Dakota, at Brookings, and for other purposes,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 198,

A bill to amend the charter of Groton Collegiate institute,

Was read the second time and

Referred to the Committee on Education,

House Bill No. 199,

A bill for an act to regulate attorneys' fees in case of foreclosure of chattel mortgages by advertisement,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 200,

A bill for an act to repeal section 14 of Special and Private Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dak.," approved March 13, 1885,

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Education.

THIRD READING OF HOUSE BILLS.

House Bill No. 172,

A bill for an act to define the boundaries of Ward and Renville counties,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays none; not voting, 10:

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Sprague, Stewart of Walsh, Stewart of Fall River, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Mentzer, Ruggles, Ward, Wyman.

Messrs. Hawk, McDonell, Schnaidt, Shook and Sullivan being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 174,

A bill for an act to amend section 592, Code of Criminal Procedure, relating to compensation for return of fugitives from justice,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles. Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Cook, Elliott, Ensign, Greene, Mentzer, Ward.

Messrs. Hawk, McDonell, Schnaidt Shook, and Sullivan being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Was read the third time.

Mr. Aikens moved

That the further consideration of the bill be indefinitely postponed,

Motion ruled out of order, as the bill was not properly on its third reading, and the bill referred to general order.

The speaker anonnced his signature to House Bills Nos. 41 and 94.

COMMITTEE OF THE WHOLE.

Mr. Hobart moved

That the House do now resolve itself into a committee of the whole to consider general orders,

Which motion prevailed, and

The speaker called Mr. Pruitt to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 12,

A bill for an act to amend section 54 of chapter 28 of the Political Code and section 4 of chapter 49 of the General Laws of 1879 entitled revenue,

And recommend that the bill be recommitted to the Committee on Ways and Means.

Also,

House Bill No. 53,

A bill for an act to provide for not less than five county commissioners in all organized counties having 1,000 inhabitants or more,

And recommend that the further consideration of the bill be indefinitely postponed.

A. J. PRUITT,
Chairman.

Mr. Gilbert moved to adopt the report.

Which motion prevailed.

Mr. Jones moved

That the House do now adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-SEVENTH DAY.

BISMARCK, February 16, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Adams, Greene and Schnaidt, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 15, 1887, and find the same correct as printed, except in line two of page 9, where the word "revised" should be substituted for the word "received," and with this correction we recommend the approval of the Journal.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

And the Journal of the preceding day was approved.

PETITIONS AND RESOLUTIONS.

The following petitions and communications were presented:

NATIONAL BOARD OF TRADE,
BOSTON, MASS., Jan. 25, 1887.

To the Honorable, the House of Representatives of the Territory of Dakota:

At the annual meeting of the National Board of Trade, held in Washington, January 20, 1887, the following resolutions were unanimously adopted:

WHEREAS, It is proposed to hold at the National capital, in 1892, a World's exposition in honor of the 400th anniversary of the discovery of America by Columbus, which exposition of the antiquities, history, arts and industries of the three Americas is intended to be permanent.

Resolved, That we favor this movement toward more intimate commercial and social relations between the United States and the several sister nations of the three Americas.

Resolved. That this movement commends itself to the support of the merchants and manufacturers of the United States as a matter of great practical importance in promoting friendly international intercourse and in stimulating arts and industries.

Resolved, That in view of the shortness of the time for preparation. steps should be immediately taken by the general government to provide the necessary buildings and carry forward the enterprise.

Resolved, That the secretary of this board be directed to transmit a copy of this paper to the president of the United States and the United States senate and house of representatives, the governor of each state and territory, and to all boards of trade and other commercial organizations throughout the United States.

Very Respectfully,
FREDERICK FRALEY, of Philadelphia, President.
HAMILTON A. HILL, of Boston, Secretary.

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
WASHINGTON, D. C., January 25, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

I have the honor to forward to you the following resolutions, unanimously adopted at the twentieth session of the National Grange, Patrons of Husbandry, held in the city of Philadelphia from November 10th to 18th, and to ask your favorable attention to the same:

WHEREAS, It is proposed to have at the National capital in 1889 an Inter-American and Inter-Republic celebration in honor of the centennial of the constitution of the United States; a World's exposition in 1892, in honor of the 400th anniversary of the discovery of America by Columbus, and thereafter a permanent exposition or museum of the antiquities, history, arts, and industries of the three Americas;

WHEREAS, It is also proposed to establish at the National capital a permanent exhibit of the resources, arts and industries of the forty-six states and territories, and a building for the display of working models of important American inventions;

Resolved, By the Patrons of Husbandry, in National Grange assembled, that we heartily favor the consummation of this important and patriotic work, and urge all Ameri can citizens and legislative bodies to support it in a manner becoming the dignity, greatness and grandeur of the republic.

Resolved, That we specially favor the proposed permanent state and territorial exhibit as a matter of great practical importance to the Patrons of Husbandry of the several states and territories.

Resolved, That the secretary of the National Grange be directed to transmit a duly certified copy of these resolutions to the president of the United States, the U. S. senate and House of Representatives, and to the governors and legislatures of the several states and territories.

Very respectfully,
JOHN TRIMBLE,
Secretary National Grange.

Mr. Ensign presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Jerusalem, county of Ramsey, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. G. LAMOREAU, et al.

Mr. Aikens presented the following:

To the Honorable the Legislative Assembly of the Territory of Dakota:

The undersigned, citizens of Lincoln, county, Dakota, would respectfully remonstrate against the passage of the House Bill No. 91, introduced by Mr. Greene, and would further represent we are opposed to any change in the exemption laws.

O. E. HALTER, et al.

Mr. Aikens presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, Certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and,

WHEREAS, Such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor, and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can; if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hughes' Council Bill No. 2 and Collins' Council Bill No. 6.

JERE GEHON, President.
WM. HAW, Vice President.
H. H. DELONG, Secretary.
F. M. BECK, Treasurer.

Mr. Elliott also introduced petitions from Ransom and LaMoure Counties praying for the passage of a prohibitory law,

Which were referred to the Committee on Temperance.

COMMITTEE OF THE WHOLE.

Mr. Fletcher moved

That the House do now resolve itself into a committee of the whole for consideration of general orders,

Which motion prevailed, and

The speaker called Mr. White to the chair.

When the committee rose, the following report was presented:

MR. SPEAKER:

The committee of the whole have considered

House Bill No. 71,

A bill for an act entitled an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

And recommend the passage of the bill.

Also,

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1885,

Together with the amendment proposed by the Railroad Committee, and recommend the passage of the bill as amended by the Railroad Committee.

Also,

House Bill No. 79,

A bill for an act repealing chapter 99 of the General Laws of 1883,

And recommend that it be made a special order for Friday, February 18, at 3 o'clock p. m.

Also,

House Bill No. 147,

A bill for an act entitled an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Together with the following amendments proposed by the special committee:

Amend section 2 by inserting after the word proper, in line eleven (11), the following sentence: Provided that the seed grain and assistance so furnished shall be limited to an amount necessary to seed not to exceed forty acres to each person.

Amend by striking out section 6, and substituting therefor the following as said section 6: It shall be the duty of the county commissioners of the several counties of this Territory to ascertain the number of people coming within the provisions of this act, in their respective counties, who desire assistance, and to immediately report the same to said commission, giving in their report the name of each applicant, the description of his land, the number of acres under cultivation, and the assessed value of all his property, and such other facts or information as the commission herein provided for shall require of them, in the discharge of its duties, and the applications for grain and assistance under the provisions of this act must be made to the county commissioners and reported by them to the said commission on or before the first day of April, 1887.

The committee of the whole recommend that line 1 of section 3 be amended by adding the words "that each of said" be inserted in place of the word "the" before the word "persons."

And that section 2 be amended by adding at the close of section 2 the following words:

Provided further, that the amount in value of the seed grain furnished under the provisions of this act shall by the treasurer of the county be extended upon the tax list against the property of the person so furnished with seed, and shall be a lien thereon and payable as other taxes, and shall, when collected by such treasurer, be transmitted to the territorial treasurer. Should the case require, the county commissioners of each county may extend for one year the time for the payment of such additional tax.

Also add to section 7 at the close thereof the words "or under any chattel mortgage."

Also to amend section 4 by adding the following; Provided, that the said commissioners shall not draw a per diem for a longer period than thirty days each,

And that the bill when so amended, including the modifications of the amendments proposed by the special committee, do pass.

J. V. WHITE,
Chairman.

Mr. Williams of Burleigh moved

That the report of the committee of the whole be adopted except the amendment to the close of section 2 of House Bill No. 147—being the second proviso of said section.

Mr. Dodds moved as a substitute that the report of the committee of the whole be adopted.

Which motion prevailed.

Mr. Hubbard moved that

House Bill No. 189,

A special order for this day be made a special order for Wednesday, February 23, 1887 at 3 o'clock p. m.

Yeas and nays demanded.

The roll being called there were ayes, 26; nays, 15; not voting, 7.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Glendenning, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Ruggles, Sprague, Stewart of Walsh, Sullivan, Terrill, White, Williams of Burleigh, Wise, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Ely, Fletcher, Gilbert, Harkins, Hobart, McDonell, Morris, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Ward, Williams of Grant, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Hawk, Pruitt, Royer.

Messrs. Adams, Greene, Schnaidt and Shook being excused.

REPORTS OF STANDING COMMITTEES.

MR SPEAKER:

Your Committee on Ways and Means to whom was recommitted

House Bill No. 12,

A bill for an act to amend section 54, of chapter 28, of the Political Code, and section 4, of chapter 49, of the Session Laws of 1879,

Have had the same under consideration, and recommend the following amendment:

In section 6 strike out the words "its passage and approval" and insert the following: "the 1st day of July, 1887," in lieu thereof,

And as amended recommend that the bill do pass,

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs have had under consideration,

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fire in buildings used for public assemblages,

And beg leave to report the following amendment. That section 4 of said bill shall read as follows:

All factories, public halls, hotels, and all other buildings in which large numbers of people congregate which are two (2) or more stories in height, shall be provided by the owners thereof with two (2) or more iron fire escapes placed within easy access of the occupants of said buildings. That section four (4) of the bill as printed shall be section five (5).

That said Council Bill No. 124, we do recommend to pass as amended.

Also,

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands,

We recommend do pass.

Also,

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use and to confiscate such property,

We recommend do pass, with the following amendments: After the words "or made," line 11 of section one add the following, "or exposes the same to view."

House Bill, No. 77,

A bill for an act to provide for the collection and compilation of statistics,

We recommend do pass as amended.

DONALD STEWART,
Chairman.

MR. SPEAKER:

The Committee on Education to whom was referred House Bill No. 198,

A bill to amend the charter of Groton Collegiate institute,

Recommend that it do pass.

Also,

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Do pass with following amendments:

Section 1, line 11, strike out all the words of the line before "and" and insert the words "no library shall be so established without first submitting it to a vote".

Section 2, line 16, strike out the word "appointed" and insert the words "reported to and filed".

Section 7, line 4, after the word "treasurer" insert the words "for that purpose."

Section 7, line 7, after the word "library" insert the words "and also where each amount shall, prior to the passage of this act, have been donated and expended for the purchase of a library existing in any such city, village or township."

Section 7, line 14, after the word "treasurer" insert the words "provided, that in the case of any library association now existing, it shall first agree to turn over to the library and reading room thus established all books, periodicals and other property."

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 2, 109, 122, 133 and 185,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

EXECUTIVE COMMUNICATION.

The following message was received from the Acting Governor:

EXECUTIVE OFFICE,
BISMARCK, February 16, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 94,

A bill for an act to repeal section 427 of chapter 37 of the Penal Code.

M. L. MCCORMACK,
Acting Governor.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 16, 1887.

MR. SPEAKER:

I have the honor to inform you that the Council has concurred in House amendments to

Council Bill No. 137,

A bill for an act to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Pruitt introduced the following resolution:

WHEREAS, The duties of the engrossing clerks are such as to require an extra assistant; therefore,

Resolved, That the speaker be and is hereby authorized to appoint an assistant engrossing clerk, and that the compensation of said clerk be fixed at the rate of five dollars per day for each legislative day.

Mr. Elliott moved as a substitute motion that the speaker require the clerks on the Appropriation, Railway, and Grain and Warehouse Committees to assist the Enrollment and Engrossment Committees in their work,

Which motion prevailed.

Mr. Elliot moved

That House Bill No. 2 be referred to a special committee consisting of Messrs. Adams, Fletcher and Sprague,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That House Bill No. 147 be reprinted as amended,

Which motion prevailed.

Mr. Dodds moved

That the House adjourn,

Which motion prevailed and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-EIGHTH DAY.

BISMARCK, February 17, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Schnaidt and Shook, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 16, 1887, and find the same correct as printed, and recommend its approval.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted, and the Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Aikens presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Lincoln and and Minnehaha counties, Dakota, respectfully request that you pass an act to vacate the Sioux Falls and Yankton territorial road in the counties of Minnehaha and Lincoln and repeal all acts of the Legislature in relation thereto.

IRA SOULE, et. al.

Mr. Cooper presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned legal voters of Codington county, protest against any change in the exemption laws of Dakota.

FRANK CRANE, et al.

Mr. Jones presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

The study of the Revised Code of Dakota has revealed the astounding fact that the age at which a little girl may egally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Charles Mix county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least eighteen years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

ROBERT E. BROWN et al.

Mr. Royer presented the following:

WESSINGTON SPRINGS, Feb. 12, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota.

At a meeting of the Jerauld County Farmers' Alliance the following resolution was unanimously adopted:

Resolved, that we fully and emphatically endorse the resolution in regard to exemption laws, which was adopted by the territorial alliance in convention assembled at Mitchell on December 23, 1886.

E. V. MILES, Chairman.
JOSEPH DOCTER, Secretary, pro tem.

Resolution, as adopted by territorial alliance:

Resolved, that we representing, as we believe we do, the unanimous sentiments of the farmers of Dakota emphatically protest against any interference with our exemption laws.

Respectfully yours,
JOSEPH DOCTER.

Mr. Glendenning presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Lake Preston, county of Kingbury, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory of Dakota, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

J. R. SPOONER, et al.

Mr. Harkins presented the following:

ESTELLINE, HAMLIN COUNTY, D. T.,
January, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, residents of Deuel county and of the adjoining county of Hamlin, have tried to form a joint school district, and owing to the township school law in force in the county of Hamlin, we are unable to do so. Situated as we are, we cannot have school facilities, and the school superintendents of both counties are unable to help us, owing to the existing law, although they are both willing to do so. Enclosed we send a bill and would respectfully ask that you use your best endeavors to have it, or one similar, passed, that we may have school privileges, from which we are at present barred. All the names signed hereto are residents and voters in the district as set forth in the bill enclosed, and are all of the residents in the district.

JAMES S. HENERY, et al.

I herewith endorse the above letter.

A. A. MERRILL,
County Superintendent of Deuel Co., Dak.

The above letter receives my endorsement.

THOMAS WARD,
County Superintendent of Hamlin Co., Dak.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The Judiciary Committee submit the following report:

The committee have considered the following bills, and

Recommend that they do not pass:

House Bill No. 20,

An act regulating marriages and the solemnization thereof.

House Bill No. 125,

An act to prevent trespass by hunters and others.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883.

They recommend that

House Bill No. 166,

A bill to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties, be amended by striking out the words "section one," where they occur before the enacting clause, and insert the words "section one" after the enacting clause and before the word "that."

As amended the committee recommend the passage of the bill.

The committee return herewith

Council Bill No. 19 (Substitute),

A bill for an act relating to marriages and the registration thereof,

And recommend that the amendments submitted herewith and attached to the bill be adopted, and that as amended the bill do pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Agriculture having had under consideration

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same,

Beg leave to report as follows:

Amend by inserting after the word "governor" where it occurs in line seven of section 1 of the printed bill the following: "for the second district and for the year 1887, the persons composing the present board of agriculture who reside within the said first district shall continue as the board of agriculture for said first district."

Amend by substituting the word "one" for the word "two" where it occurs at the beginning line number five of section 1 of the printed bill.

Amend by supplying the word "Huron" after the word "at" in line eight, the figures "29" after the word "on" and the word "March" after the word "of," the same line.

Amend by supplying the words "the members of" before the word "said" where it occurs in the twelfth line of section 1 of printed bill.

Amend by inserting the words "thereof, of their respective legislative districts" after the word "proxies" where it occurs in line thirteen of section 1 of the bill as printed.

Amend by substituting the word "six" for the word "fifteen" where it occurs in lines two and three of section 7 of the printed bill.

Amend by substituting the word "twenty-ninth" for the word "first" at the end of the ninth line of section 1, and by substituting the words "day of March" for the words "Tuesday in May" in the tenth line of section 1 of printed bill.

And that as thus amended the committee recommend that the bill do pass.

J. V. WHITE, Chairman.

MR. SPEAKER:

Your Committee on Agriculture to whom was referred House Bill No. 95,

A bill for an act establishinga territorial horticultural society, and making an appropriation for the encouragement of horticulture and forestry,

Have the honor to herewith report the same back to the House with the recommendation that it do pass.

J. V. WHITE,
Chairman.

MR. SPEAKER:

Your Committee on Counties to whom was referred House Bill No. 105,

A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county respectfully,

Beg leave to report and recommend that the bill do not pass.

Also substitute for House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Pierce and Church and for other purposes,

And recommend that it do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER.

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 174,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 15. 22 and 171,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 78,
And find the same correctly engrossed and enrolled.

A. J. PRUITT, Chairman.

MR SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 4:20 p. m. of this day,

House Bill No. 78
Was delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Enrolled and Engrossed Bills respectfully reports that, at the hour of 2:40 p. m. of this day,

House Bills Nos. 15, 22 and 171
Were delivered to the acting Governor for his approval.

A. J. PRUITT,
Chairman.

REPORTS OF SELECT COMMITTEES.

MR. SPEAKER:

Your select committee to whom was referred
House Bill No. 196,
Would present substitute bill
And recommend that the same do pass.

J. P. WARD,
Chairman.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 16, 1887.

MR. SPEAKER.

I have the honor to return herewith
House Bill No. 22,
A bill for an act to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson

county to fund the outstanding indebtedness thereof, approved March 13, 1885,

Also,

House Bill No. 78,

A bill for an act to establish and define the boundaries of Morton county,

Which have passed the Council without change.

House Bill No. 17,

A bill for an act entitled an act to amend section 328 of the Code of Civil Procedure,

Which was lost in passage.

And transmit herewith

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline, manufactured from petroleum or coal oils,

And

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds of certain public institutions,

Which have passed the Council and your concurrence thereto is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Morris offered the following resolution:

In view of the fact that the clerks on enrollment and engrossment are overcrowded with work and that their work must run behind with the present force and that they request the appointment of an assistant, therefore be it

Resolved, That the speaker is hereby empowered to appoint one assistant enrolling and engrossing clerk,

Which resolution was adopted.

MESSAGE FROM THE ACTING GOVERNOR.

The following message was received from the acting governor:

EXECUTIVE OFFICE,
BISMARCK, February 17, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved

House Bill No. 41,

A bill for an act to amend section 15 and 16 of chapter 122 of the laws of 1881.

M. L. McCORMACK,
Acting Governor.

The Speaker announced his signature to

Council Bills Nos. 28, 47 and 154, and

House Bill No. 78,

And announced as the additional members of the committee to visit and inspect the insane asylum at Jamestown and the penitentiary at Bismarck, Messrs. Patton of Lawrence, Jones and Bidlake.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Wolzmuth introduced—

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

Which was read the first time.

Also,

House Bill No. 212,

A bill for an act fixing the compensation of the committee on stock brands and marks,

Which was read the first time.

The Judiciary Committee introduced—

House Bill No. 213.

A bill for an act to provide compensation for E. H. Bly for rent of room for the use of the Judiciary Committee of the House and Railroad Committees of the Council and House,

Which was read the first time.

Mr. Aikens moved

To suspend the rules, that House Bill No. 213 be read the second and third times and placed upon its final passage,

Which motion prevailed.

Mr. Berry moved

To amend by inserting "Committee on Appropriations of the House" after the word "Railroads,"

Which amendment was adopted.

Mr. Mallory moved

That $50 be paid to Mr. Russell, proprietor of the Banner house, for use of rooms for committees of this House during the session of this Legislature, Which amendment was adopted.

Mr. Stewart of Walsh moved

That $30 be paid to Mr. Peterson, proprietor of the Pacific hotel, for use of rooms for committees of the House and Council during the Seventeenth Legislative Session.

Yeas and nays demanded.

Mr. White moved

A call of the House.

All members being present further proceedings under the call of the House were dispensed with.

Mr. Moore moved

That the bill as amended be laid on the table,

Which motion was lost.

The roll being called, there were ayes, 36; nays, 8; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Moore, Morris, Patten of Miner, Royer, Ruggles. Sprague, Stewart of Fall River. Stewart of Walsh, Sullivan, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Dodds, Gilbert, Hawk, Jones, Patton of Lawrence, Pruitt, Terrill.

Absent and not voting:

Mr. Ward.

Messrs. Miltimore, Schnaidt and Shook being excused.

So Mr. Stewart's amendment to the bill was adopted.

Mr. Sprague moved

To amend House Bill No. 213 as follows: That E. H. Bly be charged the sum of one hundred dollars for the rent of the rooms occupied by the restaurant and saloon in the basement of the capitol building for the use of the water and heat.

Mr. Pruitt moved

To amend the amendment of Mr. Sprague by striking out the word "room" and inserting the words "fuel and water."

Mr. Elliott moved

That the bill under consideration be committed to the Committee on Indian Affairs,
Which motion prevailed.

Mr. Burnham introduced—
The following resolution:

Resolved, That the auditor be called upon to furnish rooms to accommodate the meetings of the committees of this House,
Which resolution was adopted.

Mr. Aikens introduced—
House Bill No. 214,
A bill for an act to repeal sections 359 and 360 of the Code of Civil Procedure,
Which was read the first time.

Also,
House Bill No. 215,
A bill for an act regulating the procurement of chattel mortgages in connection with applications for insurance and providing a penalty for violation thereof,
Which was read the first time.

Mr. White introduced—
House Bill No. 216,
A bill for an act providing funds for the construction of a dormitory and wing of main building of the university of Dakota and for other purposes,
Which was read the first time..

Mr. Glendennning introduced—
House Bill No. 217,
A bill for an act to amend section 12 of chapter 112 of the General Laws of the Fifteenth Legislative Assembly, being an act to provide for the organization of civil townships and the organization thereof,
Which was read the first time.

Mr. Hawk (by request) introduced—
House Bill No. 218,
A bill for an act to establish a board of inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines for the years 1887 and 1888,
Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 219,

A bill for an act to amend section 11, chapter 23, Political Code,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 220,

A bill for an act to amend section 10, chapter 26, General Laws of 1879, relating to sale of intoxicating liquors,

Which was read the first time.

Mr. Patton of Lawrence, introduced—

House Bill No. 221,

A bill for an act defining the liability of damages occasioned by vicious dogs,

Was read the first time.

Mr. Ward introduced—

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

Which was read the first time.

Mr. Harkins introduced

House Bill No 223,

A bill for an act to establish a joint school district in the counties of Deuel and Hamlin,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oil,

Was read the first time.

Council Bill No. 188,

A bill for an act for the refunding of premiums on bonds to certain public institutions,

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 164,

A bill for an act to protect large game and quail in Dakota Territory,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 165.

A memorial to congress asking for the appointment of a commission to select school lands,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 173,

A bill for an act creating and defining a subdivision of the Second judicial district,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 127,

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,

Was read the second time, and

Referred to the Committee on Ways and Means.

SECOND READING OF HOUSE BILLS.

House Bill No. 202,

A bill for an act to prevent and suppress the spread of infectious diseases among domestic animals,

Was read the second time and

Referred to the Committee on Public Health.

House Bill No. 203,

A bill for an act to amend certain sections of part 2, chapter 13 of the Code of Civil Procedure,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 204,

A bill for an act regulating the assessment, equalization and appraisement of the property of railroad companies in Dakota,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 205,

A bill for an act to prohibit the traffic in hogs infected with swine plague or hog cholera and to prevent the spread of the same,

Was read the second time, and

Referred to the Committee on Public Health.

House Bill No. 206,

A bill for an act to prevent agents and attorneys from negotiating loans beyond the legal rate of interest.

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 207,

A bill for an act to provide against contracts for attorney's fees in notes, mortgages or other contracts, and for attorney's fees to be fixed by the court,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 208,

A bill for an act requiring the board of county commissioners of each county, to use the civil and criminal docket for the use of justices of the peace as printed and copyrighted by the Argus Printing company, of Fargo, Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 209,

A bill for an act declaring dogs to be personal property and subject to taxation,

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 210,

A bill for an act to provide for a forfeiture of principal and interest in all cases of usury,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Adams moved

That the House do now adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

THIRTY-NINTH DAY.

BISMARCK, February 18, 1887.

House assembled at 2 o'clock p. m., pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Miltimore, Schnaidt and Shook, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 17, 1887, and find the same correct as printed, except page 11 after title to House bill 213, —where the following words are interpolated "and rules suspended, read the second and referred to Committee on Indian Affairs"—which words should be stricken out and when so amended we recommend the approval of the Journal.

D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted, and the Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

The following communication was received from the auditor of the Territory:

MR. SPEAKER.

Pursuant to a resolution of the House, adopted February 17, 1887, I beg leave to report that I have arranged for accommodation of committees of the House in the offices of the secretary, attorney general and auditor. If accommodations are desired elsewhere than in the capitol, I would request that an appropriation therefor be made before engaging such, in order that all parties concerned may be able to know what to depend on.

Respectfully,
E. W. CALDWELL,
Auditor.

Mr. Wyman presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, citizens and tax-payers of Reynolds, Dak., having confidence in the fidelity of Councillor Collins as a friend of the agricultural interests of Dakota and believing that his Council bill, No. 6, is thoroughly digested and practically what the people need in the premises, do hereby earnestly pray for the immediate enactment of the same into law, and we will ever pray.

BENJ. F. LAVALLEY, et al.

Which was ordered printed and referred to Committee on Warehouses, Grain Grading and Dealing.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration the following bills, and recommend their passage without amendment:

House Bill No. 204,

A bill for an act regulating the assessment, equalization and appraisement of the property of railroad companies in Dakota,

Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers, and for recording such bonds and filing the same in the office of the auditor of the Territory, and for other purposes,

House Bill No. 209,

A bill for an act declaring dogs to be personal property and subject to taxation.

We have also had under consideration a memorial presented by citizens of Sully county relative to the registration of voters, and recommend that it be laid on the table, a bill having been introduced covering the ground asked for in the memorial.

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on cities and townships to whom was referred

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled incorporation of towns and cities,

Have considered the same and respectfully beg leave to report that they recommend the bill do pass.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 172,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR SPEAKER:

Your Committee on Appropriations has had under consideration

House Bill No. 59,

To establish a university at Ordway, Dakota,

And offer the following amendments:

Strike out the word "Ordway" in title of bill and insert the word "Aberdeen."

Amend section 1, line two, by striking out the word "Ordway" and inserting the word "Aberdeen."

Section 7, line 6, strike out the word "twenty" and insert in lieu thereof the word "fifteen." After the word "years" in lines 6 and 7 strike out the words "and payable at the option of the Territory after a term of ten years."

In same section, line eight, strike out the words "at the rate of six" and insert in lieu thereof the words "not to exceed five."

Section 9, line ten, strike out the word "purchase" and insert the word "redeem."

Strike out the word "market" in line eleven, section 9, and insert the word "par."

Strike out section 20.

Amend section 21 by striking out lines three, four, five, six and seven up to the word "provided," and nunber section 21, 20, and section 22, 21, and recommend the bill do pass as amended.

Also,

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes.

And amend as follows:

Strike out in the enacting clause the words "and maintenance,"

Also in section 1, line three, strike out all after the word "Territory" up to line 5,

Also in same section, after the word "issue" in line seven strike out lines eight, nine and ten up to the word "five" and insert in lieu thereof "forty thousand dollars fo territorial bonds payable in ten years, and bearing interest not to exceed,"

Strike out the word "ten" in line five, section 3 and insert the word "six." In same section, line ten, strike out the word "market" and insert the word "par."

In section 6, strike out line three and the word "dollars" in line four.

Strike out section 7, and re-number the following sections as follows, to-wit: Change 8 to 7, 9 to 8, 11 to 10, 12 to 11, 13 to 12, 14 to 13, 15 to 14 and 16 to 15.

And recommend that the bill do pass as amended.

Also,

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at territorial encampment, held at Fargo, Dakota, in September, 1885,

And recommend that it do pass.

WM. N. BERRY,
Chairman.

REPORTS OF SELECT COMMITTEES.

MR. PRESIDENT:

Your select committee to whom was referred

Substitute House Bill No. 2,

After carefully considering the subject, report the bill with amendments,

And recommend that it pass.

The said bill has been carefully prepared after a thorough examination of authorities and like enactments in other states; and it has been the endeavor of your committee, that the amended bill reported shall be free from constitutional objections while embodying all the remedial provisions of the original bill. All of which is respectfully submitted.

F. H. ADAMS,
J. H. FLETCHER,
D. W. SPRAGUE,
Committee.

MOTIONS AND RESOLUTIONS.

Mr. Adams moved

That House Bill No. 213 be reported back immediately from the Committee on Indian Affairs and that

The bill be read the third time and placed on its final passage,

Which motion prevailed.

House Bill No. 213, as amended,

A bill for an act to provide compensation for E. H. Bly for rent of room for the use of the Judiciary Committee of the House and Railroad Committees of the Council and House,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 36; nays, 7; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Hawk, Jones, Sprague, Terrill, Williams of Grant, Wise.

Absent and not voting:

Mr. Wyman.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the bill passed.

Mr. Burnham moved to amend the title by adding the words "and others" after "E. H. Bly,"

Which motion prevailed.

And the title as amended was agreed to.

Mr. Burnham moved

To reconsider the vote by which House Bill No. 213 was passed and to lay the motion to reconsider on the table,

Which motion prevailed.

Mr. Stewart, of Fall River, moved

That

House Bill No. 204

Be re-committed to the Railroad Committee,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

That

Council Bill No. 58,

Together with the Council amendments now in the hands of the Judiciary Committee, be re-printed,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Stewart of Fall River, introduced—

House Bill No. 224,

A bill for an act to amend subdivisions one (1) and two (2) of section five (5) of chapter 84 of the General Laws of 1881,

Which was read the first time.

Mr. Glendenning introduced—

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors and defining their duties,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 226,

A bill for an act to amend section 2 of chapter 26 of the Political Code,

Which was read the first time.

Also.

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 228,

A bill for an act to legalize the acts of board of county commissioners of McHenry county, Dakota Territory in laying out surveying and platting a certain county road in said McHenry county.

Which was read the first time.

Mr. Cook introduced—

House Bill No. 229,

A bill for an act to allow magistrates to require security for costs in certain cases,

Which was read the first time.

Mr. Cook (by request) introduced—

House Bill No. 230,

A bill for an act to require justices of the peace to file their bonds with the clerk of the court.

Which was read the first time.

Mr. Cook (by request) introduced—

House Bill No. 231,

A bill for an act to enforce the payment of fines and costs in certain cases.

Which waas read the first time.

Also,

House Bill No. 232,

A bill for an act to regulate the assessment and collection of poll tax,

Which was read the first time.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline, manufactured from petroleum or coal oils,

Was read the second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds of certain public institutions,

Was read the second time and

Referred to the Committee on Ways and Means.

Mr. White moved

To dispense with the reading at length of Council and House bills on their second reading,

Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 17,

A bill for an act to provide for the preparation and printing and the approval and custody of official bonds of the territorial and county officers and for recording such bonds and filing the same in the office of the auditor of the Territory and for other purposes,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 31; nays, one; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Cook, Dodds, Dutch, Ensign, Fletcher, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Morris, Patton of Lawrence, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Mr. Terrill.

Absent and not voting:

Messrs. Aikens, Burnham, Cooper, Elliott, Ely, Fellows, Gilbert, Jones, Patten of Miner, Pruitt, Wolzmuth, Wyman.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the bill passed, and

Its title was agreed to.

Council Bill No. 98,

A bill for an act to appropriate funds to pay expenses incurred by the territorial militia at territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Dutch, Fellows, Greene, Mallory, Stewart of Walsh, Wyman.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the bill passed and
Its title was agreed to.

Council Bill No. 148,

A bill for an act to amend section 22 of chapter 24 of the Political Code, entitled "Incorporation of Towns and Cities,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 35; nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of FallRiver, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Dutch, Ely, Fellows, Hawk, Jones, Sullivan, Wyman.

Messrs. Miltimore, Moore, Schnaidt, and Shook being excused.

So the bill passed, and
Its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 18, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 7,

A bill for an act to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883,

House Bill No. 135,

A bill for an act to amend section 77 of chapter 112, laws of 1883, relating to the town board of auditors, Which have passed the Council without change.

And transmit herewith,

Council Bill No. 195,

A Joint Resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Council Bill No. 211,

A Joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

Which have passed the Council and your concurrence thereto is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from the Governor:

EXECUTIVE OFFICE,
BISMARCK, February 18, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved the following House bills, viz.:

House Bill No. 171,

A bill for an act legalizing a certain election held in the city of Sioux Falls and for other purposes,

House Bill No. 15,

A bill for an act to amend chapter 78 of the General Laws of 1885,

House Bill No. 78,

A bill for an act to establish and define the boundaries of Morton county.

LOUIS K. CHURCH,
Governor.

SECOND READING OF HOUSE BILLS.

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 212,

A bill for an act fixing the compensation of the committee on stock brands and marks,
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 214,
A bill for an act to repeal sections 359 and 360 of the Code of Civil Procedure,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 215,
A bill for an act regulating the procurement of chattel mortgages in connection with applications for insurance and providing a penalty for violation thereof,
Was read the second time and
Referred to the Committee on Insurance.

House Bill No. 216,
A bill for an act providing funds for the construction of a dormitory and wing of main building of the university of Dakota and for other purposes,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 217,
A bill for an act to amend section 12 of chapter 112 of the General Laws of the Fifteenth Legislative Assembly, being an act to provide for the organization of civil townships and the organization thereof,
Was read the second time and
Referred to the Committee on Towns and Cities.

House Bill No. 218,
A bill for an act to establish a board of inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines for the years 1887 and 1888,
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 219,
A bill for an act to amend section 11, chapter 23, Political Code,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 220,
A bill for an act to amend section 10, chapter 26, General Laws of 1879, relating to sale of intoxicating liquors,

Was read the second time and
Referred to the Committee on Temperance.

House Bill No. 221,
A bill for an act defining the liability of damages occasioned by vicious dogs,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 222,
A bill for an act to authorize the payment of the compensation due road supervisors,
Was read the second time and
Referred to the Committee on Towns and Cities.

House Bill No 223,
A bill for an act to establish a joint school district in the counties of Deuel and Hamlin,
Was read the second time and
Referred to the Committee on Education,

COMMITTEE OF THE WHOLE.

Mr. Aikens moved
To suspend the rules and that the House do now resolve itself into a committee of the whole to consider "special order,"

Which motion prevailed.

The speaker called Mr. Hobart to the chair.

When the committee rose the following report was made:

MR. SPEAKER:
The committee of the whole have considered
House Bill No. 79,
A bill for an act repealing chapter 99 of the General Laws of 1883,
And recommend that section 1 of
House Bill No. 79 be amended by inserting after the word "Dakota" the words "of 1883," and
Recommend that the further consideration of the bill be indefinitely postponed.

JOHN HOBART,
Chairman.

Mr. Mentzer moved
That the report of the committee be adopted.

Mr. Aikens moved

That the report be not adopted.
Which motion was withdrawn.

Mr. White demanded a call of the House.

Call ordered.

Mr. Williams of Burleigh, moved
To dispense with further proceedings under the call.

Yeas and nays demanded.

The roll being called there were ayes, 21; nays, 21 not voting, 6.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Fellows, Greene, Harkins, Hawk, Jones, Mallory, McDonell, Mentzer, Pruitt, Ruggles, Sprague, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:
Messrs. Aikens, Berry, Cooper, Dutch, Ensign, Fletcher, Gilbert, Glendenning, Hobart, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:
Messrs. Royer, Wolzmuth.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the motion to dispense with proceedings under the call was lost.

Subsequently all the absent members reported and proceedings under the call were dispensed with.

Mr. Aikens moved
To lay the motion to adopt the report on the table.
Yeas and nays demanded.

The roll being called, there were ayes, 23; nays, 21; not voting, 4.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Cooper, Dutch, Ensign, Fletcher, Gilbert, Glendenning, Hobart, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Burnham, Cook, Dodds, Elliott, Ely,

Fellows, Greene, Harkins, Hawk, Jones, Mallory, McDonell, Mentzer, Pruitt, Royer, Ruggles, Sprague, Sullivan, Williams of Burleigh, Wyman.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the motion to lay adoption of report on the table prevailed.

Mr. Adams moved
That
House Bill No. 79,
Be made a special order for February 25, 1887, at 3 o'clock p. m.

Yeas and nays demanded.

The roll being called there were, ayes, 23; nays, 21; not voting, 4.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Fellows, Greene, Harkins, Hawk, Jones, Mallory, McDonell, Mentzer, Pruitt, Royer, Ruggles, Sprague, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:
Messrs. Aikens, Berry, Dutch, Ensign, Fletcher, Gilbert, Glendenning, Hobart, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the motion to make the bill a special order for February 25, 1886 was lost. There not being the necessary two-thirds vote.

Mr. Williams of Burleigh, moved
To recommit House Bill No. 79 to the Judiciary Committee,
Which motion prevailed.

Mr. Ensign, by unanimous consent, moved
That the chief clerk be instructed to ask the secretary to supply the members of the House with rubber bands and other needed stationery,
Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 71,

A bill for an act entitled an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 39; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs.Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonnell, Mentzer, Morris, Patton of Lawrence, Royer, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Dutch, Patten of Miner, Pruitt, Ruggles,

Absent and not voting:

Mr. Hobart.

Messrs. Miltimore, Moore, Schnaidt and Shook being excused.

So the bill passed and

Its title was agreed to.

Mr. Stewart of Fall River, moved

To reconsider the vote by which

House Bill No. 71

Was passed, and to lay the motion to reconsider on the table,

Which motion prevailed.

House Bill No. 76,

A bill for an act to amend section 9 of chapter 126 of the Session Laws of 1885,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 43; nays, none; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Mr. Hobart.

Messrs. Miltimore, Moore, Schnaidt, and Shook being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 30,
A bill for an act regulating marriages and the solemnization thereof.
Was read the third time.

Mr. Burnham moved
That the further consideration of the bill be indefinitely postponed,
Which motion prevailed.

Mr. Elliott, by unanimous consent, moved
That the clerk be instructed to request the secretary to supply the engrossing and enrolling clerks with ink stands, legal cap, erasing knives and lining pens,
Which motion prevailed.

House Bill No. 38,
A bill for an act to provide for the publication of legislative acts,
Was read the third time.

Mr. Sullivan moved
That the bill be re-committed to the Committee on Territorial Affairs,
Which motion prevailed.

Mr. Williams moved
That the House do now adjourn,
Which motion was lost.

Mr. Williams of Burleigh, moved
That when the House adjourn, it adjourn to meet to-morrow at 10:30 o'clock a. m.

Mr. Ward moved a substitute,
That the hour be 1 o'clock p. m.

Mr. Sullivan moved

That the substitute and original motion be laid on the table,
Which motion prevailed.

The speaker appointed James A. Winslow an assistant enrolling and engrossing clerk.

House Bill No. 2
Was ordered reprinted.

Mr. Pruitt moved
To adjourn,
Which motion prevailed, and
The House adjourned.

W. G. EAKINS,
Chief Clerk.

FORTIETH DAY.

BISMARCK, February 19, 1887.

The House met pursuant to adjournment,
The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Greene, Miltimore and Schnaidt, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:
The committee to revise and correct the Journal have examined that of February 18, 1887, and find the same correct as printed, and recommend its approval.

D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted, and the Journal of the preceding day was approved.

The speaker announced his signature to
Council Bills Nos. 105, 137, 120, 138.

PETITIONS AND COMMUNICATIONS.

WORTHINGTON, Dak., Feb. 9, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, Beaver Valley Farmers' Alliance in regular session February 5th, 1887, having had Council Bill No 6 under consideration, and finding the same fully in accord with the needs of the people of this territory, therefore be it,

RESOLVED, That Beaver Valley Farmers' Alliance do hereby respectfully urge our representatives in said assembly to earnestly support the passage of said Council Bill No. 6, at an early date.

H. J. FRANK,
Secretary.

Approved: H. L. LOUCKS.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

Your Committee on Ways and Means have had under consideration the following bills:

Council Bill No. 67,

We recommend its adoption with the following additional section: This act to take effect from and after its passage and approval; and that said section be numbered five (5).

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

And recommend that it do pass.

House Bill No. 46,

A bill for an act to oblige county treasurers to register warrants without charge,

Its passage is recommended.

House Bill No. 212,

A bill for an act fixing the compensation of the committee on stock brands and marks,

We recommend that it do not pass.

We have also considered a petition from the county, commissioners of Morton county asking for extension of time on taxes,

And recommend that it be laid on the table.

Council Bill No. 127,

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota.

Its passage is recommended with the following substitute for section one (1):

That any person or persons killing wolves, wild cats, coyotes. foxes, mountain lions, weasels, skunks or minks, within the boundaries of such counties as shall by vote of the commissioners of said counties decide to adopt the provisions of this act, shall upon presenting the same with the two ears and face down to the nose, to the county clerk or auditor of the county in which they were killed, with satisfactory proof in writing upon oath that the same were killed within the boundaries of the aforesaid counties, be entitled to the following bounties: For every wolf so killed, seventy-five cents; for every wild cat so killed, two dollars; for every coyote so killed, seventy-five cents; for every fox so killed, seventy-five cents: for every mountain lion so killed, five dollars; for every weasel, skunk or mink so killed, fifty cents. Certificates of such bounties, when so allowed, shall be issued by the county clerk or auditor to the person entitled thereto; and upon presentation of such certificate to the board of county commissioners, it shall be their duty to issue a warrant on the general fund of such county to the holder of said certificate to the amount named therein. It shall be the duty of the county clerk or auditor to administer the oath and issue the certificate mentioned in this section without charge.

A. S. STEWART,
Chairman.

MR. SPEAKER:

The Committee on Education to whom was referred
Council Bill No. 156,

Beg leave to report that section 2 be stricken out, and another be inserted in lieu thereof.

We recommend the passage of
House Bill No. 128.

We recommend the passage of
Council Bill No. 126.

J. H. FLETCHER
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 34,

And find the same correctly engrossed.

A. J. PRUITT, Chairman.

MR. SPEAKER.

Your Committee on Public Health have had under consideration

House Bill No. 137,

A bill for an act to amend an act entitled an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

And recommend the following amendment:

That in section 1 of the bill as printed, after the words "seven of" there be inserted "chapter (63) sixty-three of the Session Laws of 1885,"

And as amended recommend that the bill do pass.

Also,

House Bill No. 116,

A bill an act to amend section 7 of chapter 63 of the General Laws of 1885,

And the following additional amendment submitted:

Section 2. That section 12 be amended by striking out all that occurs after the word "expenses" which reads as follows: "shall be audited by the county board of health, and certified to the county commissioners of the county, and paid as other county expenses are paid," and inserting in lieu thereof the following: "shall be audited by the county board of commissioners of the county, and paid as other expenses are paid," and that the numbers of sections following shall be changed from 2 to 3 from 3 to 4,

And with said amendments recommend that the bill do pass.

D. W. ENSIGN,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 147 and 213,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Elections and Privileges have had under consideration

House Bill No. 102,

And report with the recommendation that it do not pass.

FRANK A. MORRIS,
Chairman.

MR. SPEAKER:

Your Committee on Elections and Privileges have had under consideration

House Bill No. 82,

And report the same back without recommendations.

FRANK A. MORRIS,
Chairman.

MR SPEAKER:

Your Committee on Appropriations has had under consideration

House bill No. 197,

A bill for an act to provide funds for the purchase of experimental farm and the construction of a dormitory, shops, labratory and farm buildings for the agricultural college of Dakota, at Brookings, and for other purposes,

And offer the following amendments:

In section 1, line 7, strike out the word "thirty" and insert the word "twenty."

In line 8 of same section strike out "and payable at the option of the Territory after a term of ten years."

In line 9 strike out the words "at the rate of" and insert "not to exceed."

Strike out the word "market" in line 10 of section 3 and insert the word "par."

Strike out all of section 3 after the word "purpose" in line 13.

In section 6, line eleven, strike out "$8,000" and insert "$3,000."

After the word "coupons" and before the word "issued." in line four of section 16, insert the words "due and unpaid,"

And recommend the bill do pass as amended.

Also,

House Bill No. 216,

A bill for an act providing funds for constructing buildings for the Dakota university, and for other purposes,

And amend as follows:

Strike out the words "and payable at the option of the Territory after ten years" in lines six and seven of section 1.

In line seven of same section strike out the words "at the rate of" and insert "not to exceed,"

And recommend the bill pass as amended.

Also,

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota,

And offer the following amendment:

In section 1, lines two and three, strike out the words "twenty-eight hundred and twenty" and insert in lieu thereof "sixteen hundred,"

And recommend the bill pass as amended.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations beg leave to make the following minority report:

Your committee to whom was referred

House Bill No. 34.

Appropriating $2,820 for reimbursing W. J. Etherington, for cattle killed by order of the Governor in Oliver county,

Report the bill back and recommend its passage with the amendment that the amount appropriated be $2,400 for the following reasons:

It was shown before your committee that the cattle were appraised before they were killed at $2,820 by disinterested parties, and that this appraisement was less than the actual cost of the cattle killed which was shown to be $3,271.

It was shown also that of the number of cattle in the band only twenty were diseased at the time they were killed and there remained 104 healthy cattle which had been exposed and which were killed for that reason, and we believe that these 104 healthy cattle might have been saved by a quarantine, and we, therefore, hold that these healthy cattle should be paid for at their full value. We are borne out in this view of the case by the provisions of a bill which has passed the United States Senate in relation to the suppression of contagious diseases as well as the existing laws on this subject in several of the states, allow full value for exposed stock. We are assured by the owners of this stock that the stock association of eastern Montana had made the proposition to buy cattle and kill them themselves if the executive of Dakota took no immediate action in the matter. In view of this, three men and seven horses were sent down from Montana to hold the herd in quarantine until arrangements were perfected for the examination and disposal of the stock. If Mr. Etherington had been allowed to accept the offer of the stock association of Eastern Montana he would have received full value for his stock and been paid before this time. The Governor, however, deeming it wise to assume the responsibility in this case of emergency for which he found no specific law, ordered that the entire band of cattle be killed, trusting that the Legislature, which was soon to meet, would make provisions for reimbursing the owner for his loss. It is clear to your committee that if immediate action in this matter had not been taken a quarantine would have been demanded and forced between Montana and Dakota, at a time when large numbers of cattle were shipped through this country over the Northern Pacific railroad, and that the amount to be paid Mr. Etherington is only a percentage of the tax upon the earnings of the road by such shipment of cattle, which would have been lost to the Territory in the event of a quarantine.

This being the first case of the kind with which the Territory has had to deal, your committee deem it very essential that a liberal policy be pursued in the settlement of this claim, as any other course would only make it extremely difficult with cases that may arise in the future. In other words such a course should be pursued as will induce owners of cattle to give immmediate notice of the existence of disease rather than to conceal the fact of disease. or to dispose of diseased cattle.

The strongest argument used to reduce the amount of the appropriation in the bill is the doubt in the minds of your committee as to the disease which affected these cattle really being pleuro-pneumonia. Your committee would urge that if these cattle did not have pleuro-pneumonia, that after a short quarantine many of the sick ones might have recovered and those that were well could have been saved, and the Territory in killing these healthy cattle took upon itself an obligation which, were it a corporation or an individual, could be collected at law and which any court would sustain.

In conclusion, your committee would call your attention to that part of the governor's message in relation to pleuropneumonia, and more especially to that portion advising an investigation of the items of the bill, and would represent that the amount of loss and value of the cattle has been proven to the entire satisfaction of your committee.

All of which is respectfully submmitted.

J. H. FLETCHER,
J. G. JONES,
Committee.

Mr. Williams, of Burleigh, moved

That the minority report of the Committee on Appropriations be adopted.

Mr. Berry moved, as a substitute,

That the majority report be adopted.

Ayes and nays demanded.

The roll being called, there were ayes, 17; nays, 28; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams. Berry, Bidlake, Cook, Dutch, Fellows, Gilbert, Harkins, Hubbard, Moore, Patton of Lawrence, Patten of Miner, Stewart of Fall River, White, Williams of Grant, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fletcher, Glendenning, Hawk, Hobart, Jones, Mallory, McDonnell, Mentzer, Morris, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Messrs. Greene, Miltimore and Schnaidt being excused.

And so the motion to adopt the majority report was lost.

Mr. Burnham moved

To amend the minority report by substituting the words and figures "$2,820," in lieu of the words and figures "$1,600."

Yeas and nays demanded.

The roll being called there were ayes, 8; nays, 36; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Hawk, Jones, McDonell, Stewart of Walsh, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman.

Absent and not voting:

Mr. White.

Messrs. Greene, Miltimore and Schnaidt being excused.

Mr. White moved

To amend by substituting the words and figures "$1,917" in lieu of the words and figures "$2,820."

Yeas and nays demanded.

The roll being called there were ayes, 15; nays, 29; not voting, 3.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Dodds, Dutch, Ely, Ensign, Gilbert, Harkins, Hubbard, Moore, Patton of Lawrence, Patten of Miner, White, Williams of Grant, Wolzmuth.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Cook, Cooper, Elliott, Fellows, Fletcher, Glendenning, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Morris, Pruitt, Royer, Ruggles, Shook, Sprague, Stewartof Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Messrs. Greene, Miltimore and Schnaidt being excused.

And so the amendment to the minority report was lost.

The roll being called, there were ayes, 29; nays, 16; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fletcher, Glendenning, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Bidlake, Cook, Dutch, Fellows, Gilbert, Harkins, Hubbard, Moore, Patton of Lawrence, Stewart of Fall River, White, Williams of Grant, Wolzmuth, Wyman.

Messrs. Greene, Miltimore and Schnaidt being excused.

And so the motion to adopt the minority report prevailed.

Mr. Williams, of Burleigh, moved
That House Bill No. 34
Be referred to the Committee on Enrolled and Engrossed Bills,
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 19, 1887.

MR. SPEAKER:
I have the honor to inform you the Council has concurred in House amendments to
Council Bill No. 69,
A bill for an act to amend section 203 of the Code of Civil Procedure relating to the filing of papers in proceedings for attachment,
And that the President has, in compliance with the request of the House, appointed Messrs. Collins, Hughes and Smith as a committee of conference to consider the differences as to Council Bill No. 9.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Stewart, of Fall River, moved
That the House do now resolve itself into a committee of the whole to consider
House Bill No. 141,
A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes,
Being the special order for this hour and day,
Which motion prevailed.

When the committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 141,

And recommend that the words "forty thousand" be stricken out where they occur in section 1 and the words "twenty thousand" be inserted in lieu thereof; further, that "twenty thousand" be inserted in the fifth line of section 6 and that all of said section after the word "dollars" in the fifth line be stricken out.

Also to amend section 10 by striking out in line 5 the words and figures "$40,000" and insert the words and figures "$20,000"

Also to amend as follows:

Amend section 1 by inserting "$25,000" in line 8 in lieu of "$43,000."

Section 6, line 5, insert "$25,000" in lieu of "$30,000."

Section 10, line 5, insert "$25,000" in lieu of "$40,000."

And that the bill when so amended do pass.

J. G. JONES,
Chairman.

Mr. Stewart of Fall River, moved

To adopt the report of the committee,

Which motion prevailed.

The Speaker announced his signature to

House Bill No. 135.

Mr. Williams of Burleigh, moved

To suspend the rules, and that the House proceed to the consideration of third reading of House bills,

Which motion prevailed.

The speaker announced as the committee to visit Montana and confer with a similar committee of the Montana Legislature on the matter of infectious and contagious diseases among domestic animals, Messrs. Greene, Ely and Fletcher, and also appointed J. G. Hamilton as clerk of the committee.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
February 19, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved the following House bill, viz.:

House Bill No. 22,

A bill for an act to repeal section 5, of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof, approved March 13, 1885,

L. K. CHURCH,
Governor.

Mr. Williams, of Burleigh, moved

That the rules be suspended and that the House proceed to the consideration of third reading of House Bills,

Which motion prevailed.

House Bill No. 95,

A bill for an act establishing a Territorial horticultural society and making an appropriation for the encouragement of horticulture and forestry,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, McDonell, Moore, Patten of Miner, Pruitt, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Ely, Ensign, Hawk, Hobart, Jones, Mentzer, Morris, Patton of Lawrence, Royer, Shook, Sullivan.

Messrs. Greene, Miltimore, and Schnaidt being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 105,

A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county,

Was read the third time and placed on its final passage.

Mr. Williams of Burleigh moved

That the further consideration of the bill be indefinitely postponed.

Mr. Stewart of Walsh moved

That the motion be laid on the table.

The original motion was withdrawn.

Mr. Stewart of Fall River moved

That it be made a special order for February 26, 1887, at 3 p. m.

Which motion prevailed.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

Was read the third time and placed on its final passage.

Mr. Terrill moved

That the bill be referred to General Orders.

Which motion prevailed.

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others,

Was read the third time and placed on its final passage.

Mr. Patten, of Miner, moved

That the bill be referred to general orders,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

The previous question on the passage of

House Bill No. 147,

Which motion prevailed.

House Bill No. 147,

A bill for an act to provide seed grain and assistance for those whose crops were destroyed in 1886,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 26; nays, 6: not voting, 16.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fletcher, Gilbert, Glendenning, McDonell, Moore, Morris, Ruggles, Shook. Spraguc, Stewart of Fall River. Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Hubbard, Mallory, Stewart of Walsh, Sullivan, Terrill.

Absent and not voting:

Messrs. Adams, Aikens, Fellows, Hawk, Jones, Mentzer, Patton of Lawrence, Royer.

Messrs. Ensign, Harkins, Hobart, Patten of Miner and Pruitt being paired.

Messrs. Greene, Miltimore and Schnaidt, being excused.

So the bill passed, and
Its title was agreed to.

Mr. Williams of Burleigh, moved
To reconsider the vote by which
House Bill No. 147
Was passed and to lay the motion to reconsider on the table,
Which motion prevailed.

Mr. Stewart of Fall River, moved
To recommit House Bill No. 141 to a special committee consisting of Mr. Sprague of Stark,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Elliott moved
That the House go into committee of the whole to consider
House Bill No. 2,
Which motion prevailed, and
The speaker called Mr. Stewart of Fall River to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration
House Bill No. 2,
Relating to board of railway commissioners,
And recommend the passage of the bill.

A. S. STEWART,
Chairman.

Mr. Adams moved
The adoption of the report,
Which motion prevailed.

Mr. Sullivan moved
That when the House adjourn, it be with the under-

standing that no business beyond approving the Journal be transacted until Wednesday, the 23d day of February, 1887,

Which motion prevailed.

Mr. Williams of Burleigh, moved
To adjourn.
Which motion was lost.

Mr. Dodds moved
To adjourn.

Call of the House demanded.

Mr. Adams moved
That further proceedings under the call be dispensed with.

Mr. Adams moved
To dispense with further proceedings under the call.

The roll being called there were ayes, 22; nays, 4; not voting, none.

Those who voted in the affirmative were:
Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Fletcher, Glendenning, Harkins, Hubbard, McDonell, Morris, Patten of Miner, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:
Messrs. Ensign, Ruggles, Stewart of Fall River, Williams of Burleigh.

Absent and not voting:
Messrs. Aikens, Dodds, Ely, Gilbert, Hawk, Mallory, Mentzer, Moorè, Pruitt, Shook, Sullivan, White, Wyman.

Messrs. Fellows, Greene, Hobart, Jones, Miltimore, Patton of Lawrence, Royer, Schnaidt and Wolzmuth being excused.

And so the motion to dispense with the proceedings under the call was lost.

Mr. Aikens moved
To adjourn.

Call of the House demanded.

Mr. Gilbert moved
To dispense with proceedings under the Call.
Which motion prevailed.
Mr. Burnham moved

That House Bill No. 2
Be placed on its final passage.

Mr. Dodds moved
To lay the motion on the table.

Mr. Pruitt moved
To adjourn.
Which motion was lost and the motion of Mr. Burnham prevailed.

Call of the House demanded.

Mr. Adams moved
That further proceedings under the call be dispensed with.

The roll being called, there were ayes, 25; nays, none; not voting, 15.

Those who voted in the affirmative were:
Messrs. Adams, Berry, Bidlake, Burnham, Dutch, Elliott, Ensign, Fletcher, Glendenning, Harkins, Hubbard, Mallory, McDonell, Morris, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:
Messrs. Aikens, Cook, Cooper, Dodds, Ely, Gilbert, Greene, Hawk, Hobart, Moore, Pruitt, Sullivan, White, Williams of Burleigh, Wyman.

Messrs. Jones, Miltimore, Patton of Lawrence, Royer, Schnaidt and Wolzmuth being excused.

Messrs. Fellows and Mentzer being paired.

And so the motion to dispense with proceedings under the call prevailed.

Mr. Adams moved
A call of the House.

Mr. Williams, of Burleigh, moved
To adjourn.

Call of the House demanded.

The roll call disclosed that no quorum was present.

The speaker directed that all absent members not excused be brought in.

Mr. Adams moved
To dispense with further proceedings under the call.

Ayes and nays demanded.

The roll being called there were ayes, 30; nays, none; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, McDonell, Morris, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Dodds, Ely, Fellows, Greene, Hawk, Hobart, Moore, Pruitt, Schnaidt, Sullivan, Wyman.

Messrs. Jones, Miltimore, Patton of Lawrence, Royer and Wolzmuth being excused.

Mr. Mentzer being paired.

So the motion to dispense with proceedings under the call prevailed.

The roll being called there were ayes, 26; nays, none; not voting, 22.

Those who voted in the affirmative were:

Messr. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, McDonell, Morris, Patten of Miner, Ruggles. Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Dodds, Ely, Ensign, Hawk, Hobart, Moore, Pruitt, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wyman.

Messrs. Fellows and Mentzer being paired.

Messrs. Greene, Jones, Miltimore, Patton of Lawrence, Royer, Schnaidt and Wolzmuth being excused.

House Bill No. 2,

A bill for an act entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties and to regulate the transportation of freight on railroads in this territory,

Was read the third time and placed on its final passage.

Call of the House demanded.

The roll being called there were ayes, 24; nays, none; not voting, 24.

Those who voted in the affimative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Fletcher, Glendenning, Harkins, Hubbard, Mallory, McDonell, Morris, Patten of Miner, Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Dodds, Ely, Ensign, Gilbert, Greene, Hawk; Hobart, Moore, Pruitt, Ruggles, Stewart of Fall River, Sullivan, White, Williams of Burleigh. Wyman.

Messrs. Jones, Miltimore, Patton of Lawrence, Royer, Schnaidt and Wolzmuth being excused.

Messrs. Fellows and Mentzer being paired.

A quorum not voting

A call of the House was demanded and the following members reported present or paired:

Those who were present were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, McDonnell, Mentzer, Morris, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Absent and paired:

Messrs. Aikens, Dodds, Ely, Fellows, Green, Hawk, Hobart, Moore, Pruitt, Sullivan, White, Wyman.

Messrs. Jones, Miltimore, Royer, Schnidt, and Wolzmuth, being excused.

House Bill No. 2,

Was placed on its final passage.

The roll being called there were ayes, 26; nays, 4; not voting, 18.

Those who voted in the affirmative were:

Messsrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Mallory, McDonnell, Morris, Patten of Miner, Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ensign, Ruggles, Stewart of Fall River, White.

Absent and not voting:

Messrs. Aikens, Dodds, Ely, Fellows, Greene, Hawk, Moore, Pruitt, Sullivan, Wyman.

Mr. Mentzer being paired.

Messrs. Hobart, Jones, Miltimore, Patton of Lawrence, Royer, Schnaidt and Wolzmuth being excused.

So the bill passed, and
Its title was agreed to.

Mr. Adams moved
To reconsider the vote by which
House Bill No. 2
Was passed, and to lay the motion to reconsider on the table,
Which motion prevailed.

Mr. Berry moved
To adjourn,
Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-SECOND DAY.

BISMARCK, February 21, 1887.

The House met pursuant to adjournment,
The speaker presiding.
Prayer by the chaplain.
Roll called.

All members present except Messrs. Aikins, Bidlake, Burnham, Cooper, Dodds, Ely, Fellows, Fletcher, Greene, Hawk, Hobart, Hubbard, Jones, Miltimore, Patton of Lawrence, Pruitt, Royer, Schnaidt, Shook, Williams of Grant and Wyman, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of February 19, 1887, and find the same correct as printed, except on page 13 where same relates to

House Bill No. 147, where the words "and assistance" are omitted from the title of said bill.

D. W. ENSIGN,
W. G. EAKINS,
Chief Clerk.

Which report was adopted and the Journal of the preceding day was approved as recommended by the committee to revise and correct the Journal.

Mr. Sullivan moved

To reconsider the vote by which the House agreed on Saturday "That when they adjourned it be with the understanding that no business beyond approving the Journal be transacted until Wednesday, the 23d day of February, 1887,

Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 195,

A joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Was read the first time.

Council Bill No. 211,

A joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

Was read the first time.

Mr. Williams of Burleigh moved

To suspend the rules and that Council Bills No. 195 and 211 be read the second time and referred to their appropriate committees,

Which motion prevailed.

SECOND READING OF COUNCIL BILLS.

Council Bill No. 195,

A joint resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly,

Was read the second time and

Referred to the Committee on Appropriations.

Council Bill No. 211,

A joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

Was read the second time and

Referred to the Committee on Appropriations.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Glendenning introduced—

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 234,

An act to amend section 13 of chapter 35 of the political Code of the Territory of Dakota,

Which was read the first time.

SECOND READING OF HOUSE BILLS.

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors and defining their duties,

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 226,

A bill for an act to amend section 2 of chapter 26 of the Political Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill No. 228,

A bill for an act to legalize the acts of board of county commissioners of McHenry county, Dakota Territory, in laying out surveying and platting a certain county road in said McHenry county,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 229,

A bill for an act to allow magistrates to require security for costs in certain cases,

Was read the second time, and

Referred to the Committee on Judiciary.

House Bill No. 230,

A bill for an act to require justices of the peace to file their bonds with the clerk of the court,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 231,

A bill for an act to enforce the payment of fines and costs in certain cases,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 232,

A bill for an act to regulate the assessment and collection of poll tax.

Was read the second time, and

Referred to the Committee on Ways and Means.

Mr. Mentzer moved to adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-THIRD DAY.

BISMARCK, February 22, 1887.

The House met pursuant to adjournment,

Mr. Stewart of Fall River presiding, speaker pro tem.

Prayer by J. P. Ward, chaplain pro tem.

On motion of Mr. Berry all members absent were excused.

Roll called.

All members present except Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, McDonnell, Mentzer, Miltimore, Moore, Patton of Lawrence, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wyman and Mr. Speaker.

Mr. Fellows moved to adjourn,
Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-FOURTH DAY.

BISMARCK, February 23, 1887.

The House met pursuant to adjournment,
The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Ely, Fletcher, Greene, Hawk, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant, excused.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Townships and Cities, to which was referred

House Bill No. 200,

A bill for an act to repeal section 14 of article 11, Special Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dak.," approved March 13, 1885,

Beg leave to report they have had the same under consideration and report it back without recommendation.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

The Judiciary Committee submit the following report:

They recommend the passage of the following bills:

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same.

Council Bill No. 130,

A bill for an act to fix the compensation of sheriffs in certain cases.

Council Bill No. 173,

A bill for an act creating and defining a subdivision of the Second judicial district.

They also recommend the passage of

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881,

With the amendments submitted herewith and attached to said bill.

The committee recommend that

House Bill No. 206,

A bill for an act to prevent agents and attorneys from negotiating loans beyond the legal rate of interest, and

House Bill No. 207,

A bill for an act to provide against contracts for attorney's fees in notes, mortgages or other contracts, and for attorney's fees to be fixed by the courts,

Be referred to general orders.

They return to the House herewith

House Bill No. 145,

A bill for an act creating a board of trustees and requiring the capital commission to report and turn over property and papers, and discharging the same,

And recommend that the bill be referred to the Committee on Territorial Affairs, and that the same disposition be made with

House Bill No. 1,

A bill for an act to provide for the appointment of a public examiner for the Territory of Dakota.

They return herewith

House Bill No. 194,

A bill for an act to amend sections 1 and 15 of chapter 41 of the laws of 1881,

And recommend that it be referred to the Committee on Education, also

That House Bill No. 139,

A bill for an act to attach the counties of Brule, Buffalo, Lyman, Presho, Pratt, Meyer, Tripp and Gregory to Brule for judicial purposes,

Be indefinitely postponed, as Council Bill No. 173 covers the provisions of the bill.

The committee return

House Bill No. 186,

A bill for an act in relation to the vacation of town plats,

And recommend that it be referred to General Orders.

They recommend that the following bills do not pass:

House Bill No. 203,

A bill for an act to amend certain sections of part 2, chapter 13 of the Code of Civil Procedure.

House Bill No. 221,

A bill for an act defining the liability of damages occasioned by vicious dogs.

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law. Penal Code, section 216 contains provsions in the bill.

FRANK R. AIKENS,
Chairman.

REPORTS OF SELECT COMMITTEES.

MR. SPEAKER:

Your committee to whom was referred House Bill No. 141, for correction beg leave to report that all of lines 13, 14, 15 and 16 and the word "the" in line 17, section 1, be stricken out,

That in lines 19 and 20, section 1, the words "forty-three thousand" be stricken out and the words "forty-five thousand" be inserted.

That in line 21, section 1, "thirty" be stricken out and "ten" inserted.

That in line 20, section 3, the word "ten" be stricken out and "six" be inserted.

That in line 29, section 3, the word "market" be stricken out and "par" be inserted.

That lines 8 and 9, section 6, be stricken out, and that in lines 11 and 12, section 6, "thirty thousand" be stricken out and "seventy-five thousand" be inserted, also lines 13, 14, and 15 be stricken out.

That all of section 7 be stricken out.

That section 8 be numbered 7.

That section 9 be numbered 8.

That section 10 be numbered 9.

That all of lines 5, 6, 7, 8 and 9, section 10, be stricken out and that "forty thousand" in lines 10 and 11, section 10 be stricken out and "seventy-five thousand" inserted.

That section 11 be numbered 10.

That section 12 be numbered 11.

That section 13 be numbered 12.

That section 14 be numbered 13.

That section 15 be numbered 14.

That section 16 be numbered 15.

D. W. SPRAGUE, Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Pruitt moved

That the rules be suspended and that J. A. Warnken be declared unanimously elected enrolling and engrossing clerk, and that he be entitled to draw his salary as such, and further, that O. K, Bullard be declared unanimously elected as door keeper of the gallery, and that he be allowed to draw his salary as such,

Which motion prevailed.

Mr. Adams moved

That House Bill No. 152 be made a special order for Thursday at 3 p. m.,

Which motion prevailed.

Mr. Adams moved

That House Bill No. 160 be recalled from the Committee on Temperance and put upon its third reading and final passage,

Which motion prevailed.

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing of license for sale of intoxicating liquors,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 31; nays, none; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Dutch, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Moore, Morris, Patten of Miner, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Elliott, Pruitt, Stewart of Walsh.

Messrs. Cooper, Dodds, Ely, Fletcher, Greene, Hawk, McDonell, Miltimore, Patton of Lawrence, Schnaidt, Shook, Williams of Grant and Wyman being excused.

So the bill passed, and

Its title was agreed to.

Mr. Ward moved

To reconsider the vote by which House Bill No. 160 was passed, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Ensign introduced—
House Bill No. 235,
A bill for an act authorizing organized counties of the Territory of Dakota to build county buildings for court house or jail, or both, and for other purposes,
Which was read the first time.

Mr. Wolzmuth introduced—
House Bill No. 236,
A bill for an act to regulate telephones,
Which was read the first time.

Mr. Glendenning introduced—
House Bill No. 237,
A bill for an act to amend chapter 113 of the General Laws of 1881, entitled "Exemptions for timber culture,"
Which was read the first time.

Mr. Gilbert introduced—
House Bill No. 238,
A bill for an act entitled an act to change the name of the Dakota Brokerage and Investment company of Sioux Falls,
Which was read the first time.

Mr. Stewart of Fall River, introduced—
House Bill No. 239,
A bill for an act entitled an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,
Which was read the first time, and
Mr. Stewart of Fall River, moved
That the rules be suspended and that House Bill No. 239 be read the second time and referred to its appropriate committee.

Which motion prevailed, and
It was read the second time and
Referred to the Committee on Counties.

Mr. Patton of Miner, introduced—
House Bill No. 240,
A Joint Resolution declaring in favor of division and admission,
Which was read the first time.

Also,

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

Which was read the first time.

Mr. Aikens (by request) introduced—

House Bill No. 242,

A bill for an act to authorize railroad companies to appoint police officers,

Which was read the first time.

Mr. Aikens (by request) introduced—

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars ($75) to reimburse John Nagle,

Which was read the first time.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 7 and 135,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 2:35 p. m. of this day,

House Bills Nos. 7 and 135

Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 79,

A bill for an act fixing the penalty for willful neglect of officers to make reports required by law and prescribing the duties of the Attorney General thereto,

Was read the third time.

Mr. Mentzer moved

That the further consideration of Council Bill No. 79 be indefinitely postponed,

Which motion prevailed,

Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same,

Was read the third time.

Mr. Mentzer moved

That further consideration of the same be indefinitely postponed.

Ayes and nays demanded.

The roll being called there were, ayes, 17; nays, 20; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Dutch, Elliott, Ensign, Jones, Mallory, Mentzer, Moore, Pruitt, Royer, Stewart of Fall River, Sullivan, Terrill, Ward, White, Wise.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Cook, Dodds, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Morris, Patten of Miner, Ruggles, Sprague, Stewart of Walsh, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Schnaidt, Shook and Williams of Grant being excused.

So the motion to indefinitely postpone was lost.

Mr. Sullivan moved

That the bill be recommitted to the Committee on Judiciary,

Which motion prevailed.

Council Bill No. 130,

A bill for an act to fix the compensation of sheriffs in certain cases,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 32; nays, 6; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Moore, Patten of Miner, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Gilbert, Jones, Morris, Pruitt, Sullivan, White.

Absent and not voting:

Messrs. McDonell, Schnaidt, Shook.

Messrs. Cooper, Ely, Fletcher, Greene, Miltimore, Patton of Lawrence and Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 173.

A bill for an act creating and defining a subdivision of the Second judicial district,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. McDonell, Shook.

Messrs. Cooper, Ely, Fletcher, Greene, Miltimore, Patton of Lawrence and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

Mr. Sullivan moved

That the vote by which Council Bill No. 173 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Council Bill No. 126,

A bill for an act legalizing certain acts of the board of education of the city of Huron, Beadle county, Territory of Dakota, and authorizing said board of education to issue bonds, to take up outstanding warrants, issued by it, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Elliott, Stewart of Walsh.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

Council Bill No. 188,

A bill for an act providing for the refunding of premiums on bonds to certain public institutions,

Was read the third time,

And placed upon its final passage.

The roll being called, there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Berry.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook, Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

Mr. Aikens moved

That on the second reading of House Bills the rules be suspended and the bills be read by their title.

Which motion prevailed.

House Bill No. 224,

A bill for an act to amend subdivisions 1 and 2 of section 2, of section 5 of chapter 84 of the General Laws of 1881,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 234,

A bill for an act to amend section 13 of chapter 35 of the Political Code of the Territory of Dakota,

Was read the second time and

Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Session Laws of 1881, relating to marks and brands,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 30; nays, none; not voting, 18,

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Cook, Dodds, Dutch, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Bidlake, Elliott, Ensign, Jones, Mentzer, Sprague, Wolzmuth.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 198,

A bill for an act to amend the charter of Groton Collegiate institute,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 32; nays, none; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams. Berry, Burnham, Cook, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Bidlake, Ensign, Jones, Mentzer, Sprague, Terrill.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 209,

A bill for an act declaring dogs to be personal property and subject to taxation,

Was read the third time, and

Mr. Burnham moved

That that the bill be recommitted to the Committee on Territorial Affairs,

Which motion prevailed.

House Bill No. 46,

A bill for an act to oblige county treasurers to register warrants without charge,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 29; nays, 8; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Dutch, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Moore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Dodds, Ensign, Fellows, Mentzer, Ruggles, Sullivan, Wolzmuth.

Absent and not voting:
Messrs. Bidlake, Elliott.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 102,
A bill for an act to encourage voting,
Was read the third time and
Mr. Williams of Burleigh moved
To refer the same to general orders,

Which motion prevailed.

House Bill No. 128,
A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their outstanding indebtedness, approved March 12, 1885.
Was read the third time, and
Mr. Elliott moved
To refer the same to general orders,
Which motion prevailed.

House Bill No. 212,
A bill for an act fixing the compensation of the committee on stock brands and marks,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 4; nays, 33; not voting, 11.

Those who voted in the affirmative were:
Messrs. Jones, Sprague, White, Wolzmouth.

Those who voted in the negative were:
Messrs. Adams, Aiken, Berry, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnidt, Stewart of Fall River, Stwewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Bidlake, Pruitt.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook, and Williams of Grant, being excused.

So the bill was lost.

House Bill No. 34,

A bill for an act to compensate the owner of certain cattle killed in Oliver county, Dakota, on order of the governor and the territorial board of health,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 24; nays, 11; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Cook, Dodds, Elliott, Ensign, Glendenning, Hawk, Hobart, Jones, Mentzer, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Fellows, Gilbert, Harkins, Hubbard, Mallory, Moore, Stewart of Fall River, White, Wolzmuth.

Absent and not voting:

Messrs. Bidlake, Dutch, Pruitt, Sullivan.

Messrs. Cooper, Ely, Fletcher, Greene, McDonell, Miltimore, Patton of Lawrence, Shook and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

Mr. Williams of Burleigh, moved

That the vote on which House Bill No. 34 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 203,

A bill to amend certain sections of Part II, chapter 13, of the Code of Civil Procedure,

Was read the third time.

Mr. Mentzer moved to indefinitely postpone further consideration of the same,

Which motion prevailed.

House Bill No. 139,

A bill for an act to attach the counties of Presho, Pratt,

Meyer, Tripp, Gregory and Lyman to the county of Brule for judiciary purposes,
Was read the third time.

Mr. Sullivan moved
That the bill be laid on the table,
Which motion prevailed.

The speaker announced his signature to Council Bill No. 173 and House Bill No. 7.

Mr. Williams of Burleigh, by unanimous consent, introduced—
House Bill No. 244,
A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota.

Which was read the first time.

Mr. Hawk, by unanimous consent, introduced—
House Bill No. 245,
A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus,
Which was read the first time.

COMMITTEE OF THE WHOLE.

Mr. Stewart of Fall River moved—
That the House do now resolve itself into a committee of the whole to consider general orders.

Which motion prevailed.

The speaker called Mr. Gilbert to the chair.

When the committee rose the following report was made.

MR. SPEAKER:
The committee of the whole have had under consideration
House bill No. 197,
A bill for an act to provide funds for the purchase of experimental farm and the construction of dormitory, shops, labratory and farm buildings for the agricultural college of Dakota, at Brookings, and for other purposes,
And have amended the same by striking out the word "fifty-nine" in line six of section 1, and inserting in lieu thereof the word "fifty-four," and in section 1, line seven, strike out the word "thirty" and insert the word "twenty."

In line eight of same section strike out "and payable at the option of the Territory after a term of ten years."

In line nine of same section strike out the words "at the rate of" and insert in lieu thereof the words "not to exceed."

Strike out the word "market" in line ten of section 3 and insert in lieu thereof the word "par."

Strike out all of section 3 after the word "purpose" in line thirteen.

In section 6, line eleven, strike out "$8,000" and insert in lieu thereof "$3,000."

After the word "coupons," and before the word "issued," in line four of section 16, insert the words "due and unpaid," and insert the words "and best" after the word "highest," where it occurs in line six of section 2 of this bill.

Amend section 2 by adding the following:

"Any moneys received as premiums from the sale of said bonds shall be placed in the building fund of said agricultural college, and be under the control of said board of trustees or regents of said college for building purposes only."

And recommend that the bill do pass as amended.

Also,

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same,

And recommend that it be made the general order for 3 o'clock, Thursday, February 24,

J. T. GILBERT,
Chairman.

Mr. Dodds moved

To adopt the report of the committee of the whole,

Which motion prevailed.

Mr. Aikens moved

That the House do now adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-FIFTH DAY.

BISMARCK, February 24, 1887.

The House met pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant, excused.

PETITIONS AND COMMUNICATIONS.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Lead City, county of Lawrence, D. T., do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

GEORGE MONROE, Justice of the Peace, et al.

Mr. Cook and Mr. Ensign, presented like petitions, all of which were referred to the Committee on Temperance.

Mr. Royer presented a petition from the citizens of Jerauld county.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the firightful indignities to which even little girls are subject, have become the shame of our boasted civilization:

The study of the revised Code of Dakota, has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Jerauld County, Territory of Dakota, most earnestly appeal to you to raise this age to at least 18 years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

MINNIE J. BINFORD, et al.

Which was referred to the Committee on Judiciary.

Mr. Bidlake presented the following petition from citizens of Bottineau, Dak.:

BOTTINEAU, DAK., Feb. 18, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Bottineau county most respectfully but earnestly protest against the passage of House Bill No. 159, entitled an act creating and defining the boundaries of the counties of Pierce and Church, and for other purposes, as a gross injustice to this (Bottineau) county in the matter of changing its boundaries. The bill proposes to give Pierce (a new county) forty townships; McHenry, forty-five townships. Bottineau county has at present thirty-seven townships. The act proposes to give Bottineau county eight townships from Wynan county, which are unsurveyed and uninhabited.

EZRA TURNER, Chairman Board of County Com.
L. D. DANA, Deputy Clerk District Court.
G. J. COULTHARD, Register of Deeds.
P. R. FERGUSON, County Treasurer, et al.

Which was referred to the Committee on Counties.

Mr. Hawk presented the following petition:

To the President of the Council and Speaker of the House of Representatives:

GENTLEMEN:

WHEREAS, certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and

WHEREAS, such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can, if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hugh's Council Bill No. 2 and Collin's Council Bill No. 6.

G. A. DARH, et al.

Which was referred to the Committee on Ways and Means.

Mr. Cook presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of the Territory of Dakota, and whose postoffice address is Milnor, county of Sargent, do most earnestly and respectfully petition your honorable body to pass the county local option bill now pending before you.

W. P. HERSHEY, et al.

Which was referred to the Committee on Temperance.

Mr. Crose presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: Your petitioners, residents of Hyde county, Dakota, would pray your Honorable body to pass a bill, granting women the right of suffrage.

ROBT. ESPEY, et al.

Which was referred to the Committee on Elections and Privileges.

Mr. Hubbard presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of Clark county, Dakota, respectfully remonstrate against the passage of House Bill

No. 91, introduced by Mr. Greene, and we would further represent we are opposed to any change in the exemption law.

C. W. SHUBER, et al.

Which was referred to the Committee on Ways and Means.

The following communication was received from the secretary of the Territory:

SECRETARY'S OFFICE,
BISMARCK, D. T,, February 24, 1887.

To the Speaker of the House of Representatives:

On behalf of ex-Governor Pierce, the territorial officers and the citizens of Bismarck, an invitation is hereby extended to the members of the House of Representatives, to attend a reception to be tendered Governor L. K. Church, this evening, in the capitol building, at 8 o'clock.

M. L. MCCORMACK,
Secretary of Dakota.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Judiciary Committee have had under consideration House Bill No. 49,

A bill for an act to provide for the rate of interest on money, and to define usury,

And report it back to the House and recommend that it be referred to general orders,

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Counties, to whom was referred House Bill No. 219,

A bill for an act to amend section 11, chapter 23, Political Code,

Respectfully report that they have considered the same and return it without recommendation.

Also,

House Bill No. 228,

A bill for an act to legalize the acts of board of county commissioners of McHenry county, Dakota Territory, in laying out, surveying and platting a certain county road in said McHenry county,

And recommend that it do pass.

JAMES M. MOORE, Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Recommend the following amendment to section 1:

After the words "or any other person," where they occur in said section, insert the words "having any legal or equitable interest therein," and as so amended recommend that it do pass.

A. S. STEWART,
Chairman.

MR. SPEAKER.

Your Committee on Agriculture beg leave to submit the following report: Amend

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

By striking out the word "five" where it occurs in line 14 of section 1 of the bill as printed, and insert in lieu thereof the word "three."

Supply section 2 to read as follows:

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Supply section 3 to read as follows:

SEC. 3. This act shall take effect and be in force from and after its passsage and approval.

And as thus amended we recommend that the bill do pass.

Amend

House Bill No. 19,

A bill for an act to establish an agricultural experiment station in North Dakota,

By inserting the word "North" before the word "Dakota" where it occurs in the second line of section 1 of said bill.

And also amend by changing the name of the institution, where it occurs throughout the bill, from the "Dakota Experiment Station" to the North Dakota Experiment Station. And as thus amended we recommend that the bill do pass.

We recommend that

Council Bill No. 111,

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Do pass.

And we further recommend that

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Do not pass.

J. V. WHITE,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

The committee appointed to confer with a like committee of the Council on the dis agreement betwen the two houses on Council Bill No. 9 and House amendments thereto, respectfully report that said committee in joint session recommend that section 4, adopted by the House by stricken out, and section 5 be made section 4 of said bill, and when so amended recommend its passage.

WM. H. FELLOWS,
Chairman.

Mr. Mentzer moved

To adopt the report of the committee of Conference,

Which motion prevailed.

The speaker announced his signature to Council Bill No. 98.

MOTIONS AND RESOLUTIONS.

Mr. Wyman moved

That House Bill No. 150 be made a special order for next Monday, February 28, 1887, at 4 o'clock p. m.

Which motion prevailed.

Mr. Adams moved

That House Bill No. 38 be reported at once by the Committee on Territorial Affairs and be made a special order for Saturday at 3 p. m.

Which motion prevailed.

Mr. Sprague moved

That House Bill No. 19 be made a special order for Monday, February 28 at 3 o'clock.

Which motion prevailed.

Mr. Berry moved

That House Bill No. 189 be made the special order for February 25th at 4 p. m.

Which motion prevailed.

Mr. Sprague moved

That House Bill No. 200 be made a special order for 3:30 o'clock to-day.

Which motion prevailed.

Mr. Pruitt moved

That House Bill No. 186 be made the special order for 3 o'clock Friday, Feb. 25, 1887.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Terrill introduced—

House Bill No. 246,

A bill for an act prescribing the manner of giving notice of general and annual elections,

Which was read the first time.

Mr. Bidlake introduced—

House Bill No. 247,

A bill for an act authorizing township treasurers to collect taxes,

Which was read the first time.

Mr. Mentzer introduced—

House Bill No. 248,

A bill for an act for the protection of game,

Which was read the first time.

Mr. Morris introduced—

House Bill No. 249,

A bill for an act prohibiting the playing of games of chance in places where intoxicating, vinous or malt liquors are sold,

Which was read the first time.

Mr. Stewart of Fall River introduced—

House Bill No. 250,

A bill for an act to repeal chapter sixty-three (63) of the General Laws of 1885,

Which was read the first time.

Mr. Wyman introduced—

House Bill No. 251,

A bill for an act entitled an act to establish village school districts,

Which was read the first time.

Mr. Dodds introduced—

House Bill No. 252,

A bill for an act to provide for additional buildings and improvements for the North Dakota hospital for the insane, near Jamestown, and to appropriate money therefor,

Which was read the first time.

Also,

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,

Which was read the first time.

The following report was presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 160,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 111,

A bill for an act to prevent the spread of noxious weeds in the Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Hawk, Jones, Patton of Lawrence, Sullivan.

Messrs. Cooper, Ely, Fletcher, Greene, and Williams of Grant, being excused.

So the bill passed and
Its title was agreed to.

SECOND READING OF HOUSE BILLS.

Mr. Aikens moved
That the rules be suspended and that House Bills on their second reading be read by their titles and referred to the appropriate committees.
Which motion prevailed.

House Bill No. 240,
A Joint Resolution declaring in favor of division and admission,
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 241,
A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 242,
A bill for an act to authorize railroad companies to appoint police officers,
Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 173,
A bill for an act to prohibit the destruction of Beavers in the Territory of Dakota,
Was read the third time.

Mr. Williams of Burleigh, moved
That the same be referred to general orders.
Which motion prevailed.

House Bill No. 228,
A bill for an act to legalize the acts of the Board of County Commissioners of McHenry county, D. T., in laying out and platting a certain county road in said McHenry county,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 38; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Dutch, Patten of Miner, Stewart of Walsh.

Messrs. Cooper, Ely, Fletcher, Greene, and Williams of Grant, being excused.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Adams moved

That the House do now resolve itself into the committee of the whole to consider House Bill No. 152,

Which motion prevailed.

The speaker called Mr. Miltimore to the chair.

When the committe rose the following report was submitted:

MR. SPEAKER.

Your committee of the whole have had under consideration

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

C. I. MILTIMORE,
Chairman.

Mr. Mentzer moved

To adopt the report the of commmittee of the whole,

Which motion prevailed.

Mr. Miltimore moved

That the House do now resolve itself into a committee of the whole to consider House Bill No. 200.

Which motion prevailed.

The speaker called Mr. Sullivan to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dak.." approved March 13, 1885,

And recommend that the bill do pass.

B. H. SULLIVAN,
Chairman.

Mr. Sprague moved

To adopt the report of the committee of the whole,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota entitled an act incorporating the city of Mayville, Traill county, Dakota, approved March 13, 1885.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 40; nays, none; not voting, 8.

Those who voted in the affirmative were:

Messsrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, McDonnell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth. Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Fellows, Mallory.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the bill passed, and
Its title was agreed to.

House Bill No. 197,

A bill for an act to provide funds for the purchase of an experimental farm, and the construction of dormitory shops, labratory and farm buidings for an agricultural college of Dakota at Brookings, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were, ayes, 39; nays, 2; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Shook, Stewart of Walsh.

Absent and not voting:

Messrs. Mallory, Williams of Burleigh.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the bill passed, and
Its title was agreed to.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 24, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 42,

A bill for an act authorizing the division of counties and for other purposes,

Which the Council has amended by striking out the word "twenty-one," in line thirty-one of section 1 thereof, and insert in lieu thereof the word "twenty-two."

Your concurrence thereto is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart of Fall River, moved
To concur in the Council amendments,
Which motion prevailed.

By unanimous consent the Committee on Counties submitted the following report:

MR. SPEAKER:

Your Committee on Counties, to whom was referred
House Bill No. 239,
A bill for an act entitled an act to provide for the reloction of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,
Respectfully beg leave to report that they have considered the same and recommend that it be placed upon its third reading and that the bill do pass.

JAMES M. MOORE,
Chairman.

Mr. Elliott moved
That the rules be suspended and that House Bill No. 128 be recalled from general orders, read the third time and placed on its final passage,
Which motion prevailed, and
House Bill No. 128,
A bill for an act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness, approved March 12th, 1885,
Was read the third time and placed upon its final passage.
The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affimative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Ensign, Moore,

Messrs. Cooper, Ely, Fletcher, Greene, Williams of Grant being excused.

So the bill passed and
Its title was agreed to.

Mr. Williams of Burleigh moved
That the chief clerk of the House be instructed to at once transmit to the Council all House bills which have this day been passed by the House,
Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Sullivan moved
That the House do now resolve itself into committee of the whole on general orders,
Which motion prevailed, and
The Speaker called Mr. Ward to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:
Your committee of the whole have had under consideration
House Bill No. 59,
A bill for an act to establish a territorial university at Ordway,
And have amended the same as follows:
Amend section 7, line 3, by striking out the word "Ordway," and inserting in lieu thereof the word "Aberdeen."
Amend section 13, line 7, by inserting the words "and one-half" after the word "one."
Amend section 13, line 8, by striking out the words "Northwestern" after the word "the," and insert in lieu thereof the words "Chicago, Milwaukee & St. Paul;" also same section and line by striking out the word "Ordway" and insert in lieu thereof the word "Aberdeen." Insert the words "and best" after word "highest," line six of section 8, printed bill,

Insert after word "members" in line two, section 2, the following words "only two of which shall reside in Brown county."
Strike out the word "Ordway" in title of bill and insert the word "Aberdeen."

Amend section 1, line two, by striking out the word "Ordway" and inserting the word "Aberdeen."

Section 7, line six, strike out the word "twenty" and insert in lieu thereof the word "fifteen." After the word "years" in lines six and seven strike out the words "and payable at the option of the Territory after a term of ten years."

In same section, line eight, strike out the words "at the rate of six" and insert in lieu thereof the words "not to exceed five."

Section 9, line ten, strike out the word "purchase" and insert the word "redeem."

Strike out the word "market" in line eleven, section 9, and insert the word "par."

Strike out section 20.

Amend section 21 by striking out lines three, four, five, six and seven up to the word "provided," and number section 21, 20, and section 22, 21.

And recommend that this bill do pass as amended.

Also,

House Bill No. 216,

A bill for an act providing funds for the construction of a dormitory and wing of main building of the university of Dakota and for other purposes,

And amended the same as follows:

Insert the words "and best" after the word "highest" in line five, section 3, of the printed bill.

Strike out the words "and payable at the option of the Territory after ten years" in lines six and seven of section 1.

In line seven of same section strike out the words "at the rate of" and insert "not to exceed,"

And recommend that it do pass as amended.

Also,

House Bill No. 141,

A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes,

And have amended the same as follows:

SECTION 1. In line three strike out all the words after "Territory;" strike out all of lines four and five, and to the word "the" in line six; strike out in lines seven and eight "forty-three" and substitute "twenty-five" in lieu thereof. Strike out all of line nine.

SEC. 3. In line five strike out "ten" and substitute "six." In line ten strike out "market" and substitute "par."

SEC. 6. Strike out line three and the word "dollar" in line four; in line five strike out "thirty thousand" and substitute "twenty-five thousand;" strike out in line five all the words after "dollars;" all of lines six and seven.

SEC. 7. Strike out all of section 7.

SEC. 10. Strike out in line one all the words after "improvements;" strike out "building of the dormitory" in line two; strike out the words "and dormitory" in line three; strike out "forty-three" in line five and substitute "twenty-five thousand."

With the above changes make the sections correspond with the amended bill.

And recommend that it do pass as amended.

Also,

House Bill No. 187,

A bill for an act to repeal chapter 85 of the General Laws of 1885,

And recommend that the substitute bill as follows reported by the Judiciary Committee do pass and that the original bill do not pass:

A BILL

For an act to amend section 112 of the Justices' Code of the Territory—being a substitute for House Bill No. 187 reported by the Committee on Judiciary.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That section 112 of the Justices' Code of the Territory of Dakota be and the same is hereby amended to read as follows:

In criminal proceedings before a justice of the peace, a change of the place of trial or examination may be had at any time before such trial or examination commences, when it appears from the affidavit of the defendant that he has reason to believe and does believe that he cannot have a fair and impartial trial, or examination before the justice about to try or examine such case, by reason of the bias or prejudice of such justice, whereupon the cause shall be transferred to the next nearest justice of the same county, unless the parties otherwise agreed; provided, that the change of the place of trial or examination under the provisions of this section can be had but once.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Also,

House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Pierce and Church and for other purposes.

And recommend that it be recommitted to the Committee on Counties.

Also,

House Bill No. 227,

A bill for an act act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

And recommend that it be made the special order for Friday, February 25, 1887, at 3 o'clock p. m.

Also,

House Bill No. 187,

A substitute bill for an act to repeal chapter 85 of the General Laws of 1885,

And recommend that the substitute bill do pass.

J. P. WARD,
Chairman.

Mr. Stewart of Fall River moved

To adopt the report of the committee of the whole.

Which motion prevailed.

Mr. Moore moved

That the House do now adjourn.

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-SIXTH DAY.

BISMARCK, February 25, 1887.

The House met pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee appointed to revise and correct the Journal have the honor to report that they have examined the Journals for February 21st, 22d, 23d and 24th and find the same correct as printed with this exception: that on page 6 of the Journal of the 24th inst., in the lines stating, "The Speaker announced his signature to House Bill No 89," it should read to Council Bill No. 98. With this amendment we recommend the approval of said Journals.

D. W. ENSIGN,
C. I. MILTIMORE.
J. W. CONE,

Mr. White moved

To adopt the report of the committee to revise the journal, and that the reading of the journal at length be dispensed with,

Which motion prevailed,

And the journal was approved as corrected.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend the passage of
House Bill No. 224,
A bill for an act to amend subdivisions one (1) and two (2) of section five (5) of chapter 84 of the General Laws of 1881.

They also recommend the passage of the following bills with amendments submitted herewith and attached to the several bills:
House Bill No. 154,
A bill for an act to repeal article one (1), chapter eleven (11) and sections 721 to 733 inclusive, of chapter 35 of the Code of Civil Procedure.
House Bill No. 199,
A bill for an act to regulate attorneys' fees in case of foreclosure of chattel mortgages by advertisement.
House Bill No. 8,
A bill for an act to amend section 2 of chapter 32 of the General Laws of 1885.

The committee have considered
House Bill No. 80,
A bill for an act to require county treasurers to deposit funds in designated depositories,
And report it back to the House and recommend that it do not pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Judiciary to whom was referred that part of the governor's message pertaining to revising and codifying the statutes, and also the resolution of your house requesting suggestion of a plan for compilation of the laws of the Territory, beg leave to report as follows:

A complete revision and codification of our statutes could not be effective until legislative action thereon could be taken: and as it is desirable to have the benefit of the work as early as possible we regard such revision and codification inexpedient. We are of the opinion that the most which should be undertaken at this time is simply a compilation of all existing general laws—both the code and the session laws since the revision of 1877—into a single volume. That something of this kind is necessary, in order to supply an authoritative collection of the laws in force, is so evident that your committee will not undertake argument of the matter. Even with copies of the Code and all the Session Laws at hand, it it is difficult to tell, after all the amendment and reamendment and repeal, what the provisions of statute may be in regard to many matters; and there are hundreds of officers in this Territory, upon whom is laid the duty of executing the laws, who have not complete and authentic copies thereof in their possession, and cannot procure them. To supply them and the public with authorized copies of the Statutes as they will exist at the close of this legislative session, your committee reports and recommends for passage the accompanying "bill for an act to provide for the compilation, publication and distribution of the Laws of the Territory of Dakota."

FRANK R. AIKENS,
Chairman.

A BILL.

For an Act to Provide for the Compilation, Publication and Distribution of the Laws of the Territory of Dakota.

WHEREAS, There has been no legalized compilation of the laws of this Territory; and

WHEREAS, The session laws of many sessions of the legislature are practically out of print, so that to ascertain the law on many subjects is attended with great labor and difficulty; therefore,

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That there shall be appointed by the governor, by and with the advice and consent of the council, a compiler and assistant compiler of the laws, one of whom shall be an attorney admitted to practice in the courts of this Territory, whose duty it shall be to compile, arrange, publish and distribute the general laws of this Territory, which may be in force on the fifteenth day of March, 1887. In such compilation there shall be, so far as practicable, an arrangement according to the general method of classification adopted in the revised code of 1877. Each chapter or subdivision of a chapter shall be headed by a syllabus of its contents, and shall have brief and comprehensive marginal notes, which shall state in addition to the subject matter the date of its enactment and the original number of the chapter and section. The laws so compiled shall be comprehensively and accurately indexed, and prefaced with a general table of contents, and such directions as shall serve to facilitate reference. In an appendix to the volume of general laws as compiled shall be printed the congressional act for organization of the Territory, and any subsequent acts of congress amendatory thereto. Such appendix shall also contain a list of the titles of all general and special laws passed since 1877, arranged by years, with the general and special laws classified separately, with notes showing which acts or parts of acts have been repealed and when, and which have become obsolete, and why. The said compilers shall report to the next session of the legislature any contradictions, inconsistencies or omissions found in existing laws, for the information and action of that body. The current expenses of said compilers, for copying, stationery, postage and other incidental matters pertaining to the compilation, publication and distribution of said laws, and for necessary expenditures in going and coming to attend to such duties, shall be paid out of the territorial treasury on verified accounts, approved by the governor, and the territorial auditor is hereby directed to draw his warrants for the amounts of such verified accounts approved as aforesaid.

SEC. 2. When such compilers shall have completed said compilation as above required, they shall cause the same to be published in one octavo volume bound in law sheep or in heavy paper covers. Said compilers are authorized to make a contract, subject to approval by the governor, for the printing and binding of said volume, and to supervise the execution thereof. Such contract shall be made with the lowest and best bidder for such work, after advertisement for proposals in at least three newspapers printed in this Territory, for one month prior to the letting of such contract, which advertisement shall designate the quality of paper and binding, and the style of type to be used in the work. Said compilers shall have the right to reject any or all proposals for the execution of the work, and to advertise and secure further bids. The compilers shall certify to the governor the amounts which may become due under such contract for said work, and upon the governor's approval thereof the auditor shall issue his warrants upon the treasurer for payment of the sums so certified.

SEC. 3. There shall be printed of such volumes such number as shall, in the judgment of said compilers, be sufficient to supply the following: One hundred copies shall be by them placed at the disposal of the secretary of the Territory, to be by him distributed to the library of congress at Washington, to the president of the United States, to the heads of departments at Washington, to the president of the senate and speaker of the house of representatives of the United States, and to state and territorial libraries. One copy shall be given to each of the territorial officers and boards, to each of the justices of the supreme court of the Territory, to each district attorney, to each clerk of the district court, and to the United States attorney and the United States marshal for the district of Dakota. There shall be forwarded by the compilers to the clerk or auditor of each county a sufficient number of volumes for distribution as follows: One copy to the judge of probate court, to each county township, city, town or village justice, to the sheriff, register of deeds, auditor, treasurer, coroner, county superintendent of schools, chairman of the board of county commissioners, and to the clerk of the board of supervisors of each civil township in the county for use and reference of township officers not otherwise herein specified. There shall also be forwarded one copy each, as follows: To the principal officer in charge of each public institution in the Territory; and to each library association organized and maintained for the benefit of the public in any county or town in the Territory. The volumes distributed to the several territorial, county, township or other officers in this territory shall be the property of the offices respectively, and shall be safely kept and turned over to successors in office. The compilers shall also provide copies for sale to parties who may desire to purchase the same at an advance of ten per centum upon the cost price thereof, and all sums received for such sales shall be by them turned into the territorial treasury to the credit of the general funds of the Territory. They shall keep an accurate record of each and every volume distributed or disposed of as provided herein, and file the same with the territorial auditor. The compilers shall procure the copyright for the volume herein provided, for the exclusive benefit of the Territory.

SEC. 4. When the laws shall have been printed and are ready for distribution, the governor shall issue his proclamation announcing such fact and his acceptance of such compilation, and thirty days after the date of such proclamation said compilation shall go into effect and thereafter the laws so compiled shall be received by all the courts and officers of this Territory, and shall in all respects be as valid and binding as original enrolled acts approved and filed in the office of the secretary of the Territory, as now provided by law.

SEC. 5. Each of the persons appointed to the office of compiler and assistant compiler, respectively, as provided in this act, shall, before entering upon the discharge of his duties, execute to the Territory of Dakota a bond in the penal sum of $5,000, to be conditioned, approved and filed according to law. For his services, as herein prescribed, he shall be paid $250 per month for the time actually and necessarily employed in such work, and the territorial auditor is hereby directed to draw warrants upon the territorial treasurer for such amounts as may be due said compiler or assistant compiler at the end of each month as shown by duly verified vouchers filed by said officers, respectively.

SEC. 6. All acts or parts of acts, in so far as they are inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage and approval.

Minority report from Judiciary Committee on House Bill No. 189.

MR. SPEAKER:

A minority of your Committee on Judiciary to which was referred,

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

Cannot concur in the views of the majority of said committee, and beg leave to recommend that said bill do not pass.

There is before your committee, House Bill No. 75, of which the bill under consideration is a duplicate, with the exception that in line five of the latter the word "Redfield" is substituted for "Sioux Falls." Each provides for only two annual terms of the supreme court, instead of three as enacted in 1885—one of which terms remains at Bismarck, while the terms set now for Yankton and Deadwood are to be done away with if each of the bills named should become a law, and in their stead there is proposed one term each year either at Redfield or Sioux Falls. The question in the matter may then be regarded as depending upon the relative fitness of the locations proposed. Upon this question the minority of your committee desire to offer some considerations.

1. The location at Bismarck places one of the annual terms practically upon the northwestern border of the better settled portions of the Territory, and there would, therefore, be a peculiar appropriateness in placing the other term near the southeastern border—thus distributing them so as to average the accessibility most fairly between the different sections.

2. An examination of the calendar of the supreme court for the past two years shows that the judicial district in which Sioux Falls is situated has supplied forty-nine of the one hundred and three—nearly one-half—of all the cases before the court for that period from the four districts comprised within the southern half of the territory. The figures are as follows: First district, (Deadwood), 19; second, (Yankton), 8; fourth, (Sioux Falls), 49; fifth, (Huron and Redfield), 27. Most certainly it would seem to be the duty of the legislature to dispose the terms of the supreme court in such manner as to best accommodate the business which will come before them.

3. The accommodations which it is practicable for the court to secure in the way of rooms for transaction of its business in the respective localities, is something which should be taken into the account. At Sioux Falls is a very fine and commodious court room, with all necessary adjacent apartments, ample for any demands which might be made by the business of the supreme court, while at Redfield there is nothing of the sort. Due regard for public business and the convenience of those called upon to transact it, would therefore clearly indicate that, as between Sioux Falls and Redfield, a choice of the former should in this case most certainly be made.

4. The law library of the bar association at Sioux Falls is such a collection of legal works as is not equaled elsewhere in the commonwealth, not even by the territorial library at the capitol. This library of the Sioux Falls bar association will be located adjoining the court room, and will supply such facilities for reference by judges and attorneys as will very materially expedite business, a consideration which it is the duty of this body to take into account in settling the location of a term of the supreme court.

5. Incidentally, reference may be made to another fact bearing upon the question of accommodations afforded by the respective localities named. There is no city in the territory which equals, or even approaches Sioux Falls in

the matter of hotel accommodations; and all who have attended terms of the supreme court will realize the importance of this feature of the case Unquestionably it is proper to take into account the personal convenience of those required to attend to public affairs, if this can be done without sacrificing more important consideration—and in the case at issue it has been shown that in doing this these nine important matters are not sacrificed, but promoted.

Therefore, for the reason that location of a term of the supreme court at Redfield, as proposed in the bill under consideration, would not so distribute the terms as to make them most readily accessible from the various portions of the Territory, and would not so locate the southern term as to bring it nearest to the greater part of the business there, and would not supply the best attainable accommodations for the bench and bar of the court, and would not best promote the convenience of those attending the court or engaged in its business, the minority of your Committee on Judiciary would respectfully recommend that said House Bill No. 189 do not pass.

FRANK R. AIKENS.

MOTIONS AND RESOLUTIONS.

Mr. Miltimore moved
That House Bill No. 145,
Be made the special order for March 2d, at 3 p. m., and that the Committee on Territorial Affairs be instructed to report House Bill No. 145, to this body prior to that date,
Which motion prevailed.

Mr. Aikens moved
That at the close of each days's session the clerk prepare and have published as a part of the Journal a calendar of the bills to be considered in general orders for the succeeding day, also any special order for the day,
Which motion prevailed.

Mr. Adams moved that
House Bill No. 152,
Be recommitted to the Committee on Railroads,
Which motion prevailed and the bill was so referred.

Mr. Burnham moved that the vote by which
House Bill No, 152,
Was indefinitely postponed be reconsidered.
Which motion prevailed.

Mr. Miltimore moved the adoption of the following resolution:

Resolved, That the territorial auditor be requested to furnish this House immediately the following statement, viz.:

1. Of the total amount received as fees from every source since January 1, 1885, to January 1, 1887.

2. Total cost of clerical labor for conducting the insurance department alone for same time.

3. Amount turned into territorial treasury during same time.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Judiciary Committee introduced—

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Which was read the first time.

Mr. Miltimore introduced—

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundaries of wards,

Which was read the first time.

Mr. Shook introduced—

House Bill No. 256.

A bill for an act to amend chapter ninety-nine (99) of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota,

Which was read the first time.

Mr. Ward introduced—

House Bill No. 257,

A bill for an act to provide for the issuing of bonds and for additional buildings and improvements for the Dakota hospital for the insane near Yankton, Dakota, and to appropriate money therefor,

Which was read the first time.

Mr. Moore introduced—

House Bill No. 258,

A bill for an act to require county commissioners to fix salary of salaried county officers at their regular meeting in October,

Which was read the first time.

Mr. Bidlake introduced—
House Bill No. 259,
A bill for an act to create a new subdivision of the Third judicial district,
Which was read the first time.

MR. SPEAKER:
The committee on engrossed and enrolled bills
Have examined
House Bill 197,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

SECOND READING OF HOUSE BILLS.

House Bill No. 235,
A bill for an act authorizing organized counties of the Territory of Dakota to build county buildings for court house or jail, or both, and for other purposes,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 236,
A bill for an act to regulate telephones,
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 237,
A bill for an act to amend chapter 113 of the General Laws of 1881, entitled "Exemptions for timber culture,"
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 238,
A bill for an act entitled an act to change the name of the Dakota Brokerage and Investment company of Sioux Falls,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 243,
A bill for an act to appropriate seventy-five dollars ($75) to reimburse John Nagle,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 244,

A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota.
Was read the second time, and
Referred to the Committee on Charitable Institutions.

House Bill No. 245,
A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus,
Was read the second time and
Referred to the Committee on Towns and Cities.

House Bill No. 246,
A bill for an act prescribing the manner of giving notice of general and annual elections,
Was read the second time and
Referred to the Committee on Elections and Privileges.

House Bill No. 247,
A bill for an act authorizing township treasurers to collect taxes,
Was read the second time and
Referred to the Committee on Towns and Cities.

House Bill No. 248,
A bill for an act for the protection of game,
Was read the second time and
Referred to the Committee on Territorial Affairs.

House Bill No. 249,
A bill for an act prohibiting the playing of games of chance in places where intoxicating, vinous or malt liquors are sold,
Was read the second time and
Referred to the Committee on Temperance.

House Bill No. 250,
A bill for an act to repeal chapter sixty-three (63) of the General Laws of 1885,
Was read the second time and
Referred to the Committee on Public Health.

House Bill No. 251,
A bill for an act entitled an act to establish village school districts,
Was read the second time and
Referred to the Committee on Education.

House Bill No. 252,

A bill for an act to provide for additional buildings and improvements for the North Dakota hospital for the insane, near Jamestown, and to appropriate money therefor,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 253,
A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,
Was read the second time and
Referred to the Committee on Agriculture.

THIRD READING OF HOUSE BILLS.

House Bill No. 141,
A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, 1; not voting, 10.

Those who voted in the affirmative were:
Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Mr. Wyman.

Absent and not voting:
Messrs. Adams, Berry, Elliott, Mentzer.

Messrs. Cooper, Ely, Fletcher, Greene, Hobart, and Williams of Grant being excused.

So the bill passed, and
Its title was agreed to.

Mr. Stewart of Fall River, moved
That the vote by which House Bill No. 141 was passed be reconsidered, and that the motion to reconsider be laid on the table.
Which motion prevailed.

House Bill No. 187,

A substitute bill for an act to amend section 112 of the Justice's Code of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affimative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Pruitt, Sullivan, Williams of Burleigh.

Messrs. Cooper, Ely, Fletcher, Greene, Hobart, Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 216,

A bill for an act providing funds for the construction of a dormitory and wing of main building of the university of Dakota and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 1; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Dutch, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Ensign.

Absent and not voting:

Messrs. Adams, Bidlake, Cook, Elliott, Mallory, Ward, Messrs. Cooper, Ely, Fletcher, Greene, Hobart, and Williams of Grant, being excused.

So the bill passed, and
Its title was agreed to.

Mr. Pruitt moved
That the vote by which House Bill No. 216 was passed be reconsidered and that the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill No. 239,
A bill for an act entitled an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,
Was read the third time and placed upon its final passage.
The roll being called there were ayes, 40; nays, 1; not voting, 7.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Cook.

Absent and not voting:
Mr. Williams of Burleigh.

Messrs. Cooper, Ely, Fletcher, Greene, Hobart, and, Williams of Grant being excused.

So the bill passed, and
Its title was agreed to.

Mr. Sullivan moved
That the vote by which House Bill No. 239 was passed be reconsidered and that the motion to reconsider be laid on the table,
Which motion prevailed.

House Bill Mo. 59,
A bill for an act entitled "an act establishing a territorial university at Aberdeen,"

Was read the third time, and placed upon its final passage.

The roll being called there were ayes, 23; nays, 15; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Dutch, Ensign, Harkins, Hawk, Jones, McDonell, Mentzer, Miltimore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Cook, Elliott, Glendenning, Hubbard, Mallory, Mentzer, Moore, Morris, Schnaidt, Shook, Sprague, Terrill, Wise, Wyman.

Absent and not voting:

Messrs. Fellows, Gilbert, Ward.

Messrs. Cooper, Ely, Fletcher, Greene, Hobart and Williams of Grant being excused.

Mr. Stewart of Walsh being paired.

So the bill passed, and

Its title was agreed to.

Mr. Ruggles moved

That the vote by which House Bill No. 59 was passed be reconsidered, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 80,

A bill for an act to require county treasurers to deposit funds in a designated depository,

Was read the third time.

Mr. Burnham moved

That the further consideration of the same be indefinitely postponed,

Which motion prevailed.

House Bill No. 224,

A bill for an act to amend subdivisions one (1) and two (2) of section five (5) of chapter 84 of the General Laws of 1881,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messssrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Glendenning, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Gilbert, Mallory, Sullivan.

Messrs. Cooper, Ely, Fletcher, Greene Hobart, and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Pruitt moved

That the House do now resolve itself into committee of the whole for the consideration of

House Bills No. 186 and No. 227.

Which motion prevailed, and

The Speaker called Mr. Morris to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 227,

A bill for an act act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

And have amended the same as follows:

Strike out all of section 1 between the words "amended" in line two of the bill as printed and the word "and" in line eighteen of said section, and inserting in lieu thereof the following: "By adding to at the close of said section the following words."

And as amended recommend that the bill do pass, and

House Bill No. 186,

A bill for an act in relation to vacation of town plats,

And recommend that the bill do pass.

FRANK A. MORRIS,
Chairman.

Mr. Pruitt moved
To adopt the report of the committee of the whole.

Mr. Williams of Burleigh, moved as a substitute
That the report of the committee of the whole and the bills considered be recommitted to the Judiciary Committee,

Mr. Williams of Burleigh demanded
A call of the House,
Which being seconded,
The roll was called.

All members being present except those excused,
Further proceedings under the call were dispensed with.

Mr. Sullivan moved
That the motion to recommit the report and bills to the Judiciary Committee be laid on the table,
Which motion prevailed.

Roll call demanded on the adoption of the motion to adopt the report of the committee of the whole.

The roll being called there were, ayes, 22; nays, 20; not voting, 6.

Those who voted in the affirmative were:
Messrs. Burnham, Dutch, Elliott, Gilbert, Glendenning, Harkins, Hubbard, Jones, McDonell, Moore, Morris, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Ward, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Aikens, Bidlake, Cook, Dodds, Ensign, Fellows, Hawk, Hobart, Mallory, Mentzer, Miltimore, Patton of Lawrence, Royer, Shook, Stewart of Walsh, Terrill White, Williams of Burleigh. Wyman.

Absent and not voting:
Mr. Berry.
Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the motion to adopt the report of the committee of the whole prevailed, and
The report of the committee of the whole was adopted.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
February 25, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 7,

An act to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883.

Respectfully,
LOUIS K. CHURCH,
Governor.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
February 25, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,

Also,

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Which have passed the Council, and your concurrence therein requested.

And return herewith

House Bill No. 63,

Memorial to Congress for the improvement of the Yellowstone National Park,

Also,

House Bill No. 98,

A bill for an act to increase the power of county commisssioners,

Which have been lost on passage, and

House Bill No. 60,

A bill for an act to provide for the assessment and taxation of the property of telegraph companies,

Which the Council has amended as follows: Add to the end of section 5: "One-third thereof shall be retained for the use of the Territory, and the remainder shall be apportioned among the several counties into or through which said lines respectively may be located, in proportion to the number of wires and miles of lines located in such counties respectively."

Your concurrence thereto requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Hubbard moved

That the House do now resolve itself into committee of the whole for the consideration of

House Bill No, 189,

Which motion prevailed, and

The Speaker called Mr. Dodds to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

And have amended the same as follows:

By striking out in line one, section 1, the word "two" and insert "three."

In line three, section 1, strike out the word "two" and insert "three."

In line five, section 1, strike out the word "and."

In line six, section 1, strike out the words "of each year" and insert "and one term at Deadwood, commencing on the 2d Tuesday of August of each year."

And recommend that the bill do pass as amended.

D. S. DODDS,
Chairman.

Mr. Burnham moved

To lay the report of the committee of the whole on the table,

Which motion was lost.

Mr. Berry moved

That the report of the committee of the whole be adopted,

Which motion prevailed and
The report was adopted.

COMMITTEE OF THE WHOLE.

Mr. White moved
That the House do now resolve itself into committee of the whole to consider general orders,
Which motion prevailed, and
The speaker called Mr. Harkins to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:
Your committee of the whole have had under consideration
House Bill No. 190,
A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use and to confiscate such property,
And have amended the same as follows:
By adding in line eleven of section 1 of printed bill after the word "made" the following words: "or expose the same to view,"
And recommend that it do pass as amended.
House Bill No. 201,
A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,
And recommend that the bill do pass as amended by the Committee on Education as follows:
Section 1, line 11, strike out all the words of the line before "and" and insert the words "no library shall be so established without first submitting it to a vote."
Section 2, line 16, strike out the word "appointed" and insert the words "reported to and filed."
Section 7, line 4, after the word "treasurer" insert the words "for that purpose."
Section 7, line 7, after the word "library" insert the words "and also where each amount shall, prior to the passage of this act, have been donated and expended for the purchase of a library existing in any such city, village or township."
Section 7, line 14, after the word "treasurer" insert the words "provided, that in the case of any library associa-

tion now existing, it shall first agree to turn over to the library and reading room thus established all books, periodicals and other property."

A. A. HARKINS,
Chairman.

Mr. Gilbert moved

That the report of the committee of the whole be adopted,

Which motion prevailed, and

The report was adopted.

HOUSE CALENDAR.

The following bills are for general orders for February, 26, 1887:

House Bill No. 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fires in buildings used for public assemblages.

Council Bill No. 156,

A bill for an act entitled an act to require teachers of public schools to keep a record of the visits of county superintendents.

House Bill No. 116,

A bill for an act to amend section 7 of chapter 63 of General Laws of 1885.

House Bill No. 82,

A bill for an act to change the date of general elections in civil townships.

House Bill No. 196,

A bill for an act providing that women may vote upon all questions relating to schools and the regulation and restraint of the manufacture and sale of intoxicating liquors.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 15 of the Session Laws of 1883.

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others.

Council Bill No. 67,

A bill for an act authorizing cities, towns and villages to refund their bonded indebtedness.

House Bill No. 137,

A bill for an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881.

House Bill No. 207,

A bill for an act to provide against contracts for attorney's fees in notes, mortgages or other contracts, and for attorney's fees to be fixed by the court.

House Bill No. 206,

A bill for an act to prevent agents or attorneys from negotiating loans beyond the legal rate of interest.

House Bill No. 102,

A bill for an act to encourage voting.

House Bill No. 219,

A bill for an act to amend section 11, chapter 23, Political Code.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota.

House Bill No. 19,

A bill for an act to establish an agricultural experimental station.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota.

House Bill No. 199,

A bill for an act to regulate attorney's fees in case of foreclosure of chattel mortgage by advertisement.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11, and sections 721 and 733; sections inclusive of chapter 35 of the Code of Civil Procedure of this Territory.

The following bill is for special orders for February 26, 1887:

House Bill No. 105,

A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county.

House Bill No. 38,

A bill for an act to provide for the publication of acts of the Legislative Assembly in county newspapers.

Mr. Aikens moved

That the House do now adjourn.

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-SEVENTH DAY.

Bismarck, February 26, 1887.

The House met pursuant to adjournment,

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant, excused.

The committee to revise and correct the Journal made the following report:

Mr. Speaker:

Your committee appointed to revise and correct the Journal have the honor to report that they have examined the Journal for February 25th and find the same correct as printed with this exception: that the name of "A. A. Harkins, chairman," is omitted at the end of the report of the committee of the whole, on page 21.

And in the list of general orders, on page 22, House Bill No. 35, and Council Bill No. 128, on page 21, should not appear, both bills having passed the House.

In list for special orders, House Bill No. 38 should be inserted for consideration, Saturday, February 26, 1887, at 3 o'clock p. m., and with these corrections, we recommend that the Journal be approved.

C. I. MILTIMORE.
D. W. ENSIGN,
J. W. CONE.

Mr. Mentzer asked

To have his vote on House Bill No. 59, on page 15 of the Journal corrected from nay to yea,

Which correction was made.

Mr. Dodds moved

That the report of the committee to revise and correct the Journal be adopted with corrections as above, and that the reading of the Journal at length be dispensed with.

Which motion prevailed.

PETITIONS AND COMMUNICATIONS.

Mr. Gilbert presented the following petition which was read and referred to Committee on Ways and Means:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

WHEREAS, certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and

WHEREAS, such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can, if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hughes' Council Bill No. 2 and Collins' Council Bill No. 6.

L. M. ESTABROOK, et al.

Mr. Berry presented the following petition, which was read and referred to the Committee on Territorial Affairs:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned hereby respectfully protest against the passage of a certain bill (or part of a bill), known and designated as follows:

An act to repeal section 2 of chapter 41 of the Political Code, and sections 3 and 4 of chapter 63 of the Session Laws of 1883, and to enact in lieu thereof the following section:

The grounds upon which this protest is based are as follows:

1. That the said bill, which is the result of an endeavor on the part of a sportsmen's convention held at St. Louis, Mo., to make the game laws throughout the United States concurrent, is unfair, to the interests of the sportsmen of Dakota.
2. That the bill makes the open season for prairie chickens from September 1st to January 1st, instead of from August 15th to January 1st, as it now is.
3. That the bill virtually prohibits all curlew and plover shooting in the Territory of Dakota.
4. That the bill prevents the shooting of wild fowl during January and February, thus granting spring shooting further south and prohibiting it in Dakota.
5. That any game law drawn up by a sportsmen's convention in the south, and applicable to Missouri, Texas and other southern states, cannot be otherwise than objectionable to and against the best interests of the sportsmen of Dakota.

Therefore, the undersigned respectfully petition that the above described bill be not made a law, and to this end your petitioners will ever pray.

C. A. FOUNTAIN, et al.

Mr. Williams of Burleigh, presented the following petition, which was read and referred to committee on counties:

To the Honorable, the Legislative Assembly of the Territory of Dakota.

We the undersigned citizens of Dakota Territory, county of Morton, and residents of the tract herein described, do hereby petition your honorable body to set off from Morton county and form a new county of the following described territory, to-wit:

Commencing at the northeast corner of township No. 140 north, and the east line of range No. 87 west of the principal meridian, thence south on the east line of said range 87 to the intersection of the south fork of the Cannon Ball river. Thence westerly up the south fork of the Cannon Ball river to the east line of range No. 91 west of the fifth principal meridan. Thence north along said east line of range 91, to the north line of township 140 north. Thence east on said line to the place of beginning. Said tract comprising all of ranges 87, 88, 89 and 90, in Morton county, Dakota. And in support of this, our petition, we would offer the following statement of facts and figures, showing our ability to maintain a county organization, to-wit:

That Morton county contains more than 3,000 square miles of territory, and the part sought to be set off is an average of 60 miles from Mandan, the county seat of Morton county, by the N. P. R. R., necessarily causing large expense and much loss of time to those who go to the county seat to transact business. And further, the territory sought to be set off has a resident population of more than 1,200 persons, the registry list being in all its precincts over 225 voters at the general election in November, 1886, and the said tract has assessable property to the value of more than 100,000 dollars, as shown by the assessment rolls of 1886, and your petitioners would further represent that the said tract sought to be set off contains an area of about 1,000 square miles of territory, and is settled by an industrious, intelligent and thrifty class of people.

We therefore on behalf of the public sentiment of Glennullin and vicinity, pray your honorable body, to pass the accompanying bill, and give it all the force and certainty usual in such legislation.

Dated this 4th 1day of February, 1887.

EUGENE DENZEL, and 235 others.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Agriculture to whom was referred House Bill No. 169,

A bill for an act entitled "an act to locate and establish the North Dakota Agricultural college and an appropriation therefor,"

Beg leave to report the same without recommendation.

Also,

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,

And we recommend that the same do pass.

J. V. WHITE,
Chairman.

MR. SPEAKER:

Your Committee on Railroads to which was referred

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,

Have examined the same and recommend that section 1 be amended to read as follows:

SECTION 1. That section 677 of the Code of Civil Procedure of the Territory of Dakota be and the same is hereby amended to read as follows:

§ 677. If the life of any person or persons is lost or destroyed by the neglect, carelessness, or unskillfulness of another person or persons, company or companies, corporation or corporations, their or his agents, or servants or employes, then the widow, heir, or personal representative of the deceased shall have the right to sue such person or persons, company or companies, corporation or corporations, and recover damages; Provided that when such neglect, carelessness or unskillfulness shall be gross or willful punitive damages may be recovered; and provided further that when such loss of life occurs upon a railroad passenger train, or in any hotel or theatre, the burning or disfiguring of the corpse of the deceased person, by fire originating upon such passenger train, or any portion of the same, or in such theatre or hotel, shall be presumptive evidence of the gross and willful neglect and carelessness of the person or corporation owning or controlling such train, theatre or hotel.

And as thus amended we recommend that the bill do pass.

JOHN HOBART,
Chairman.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

The Committee recommend the passage of the following bills:

House Bill No. 226,

A bill for an act to amend section 2 of chapter 26 of the Political Code,

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors.

House Bill No. 238,

A bill for an act entitled an act to change the name of the Dakota Brokerage and Investment company of Sioux Falls.

They return herewith

House Bill No. 234,

An act to amend section 13 of chapter 35 of the political Code of the Territory of Dakota,

With amendments, and recommend that the bill as amended be referred to the Committee on Temperance.

They also return herewith

House Bill No. 242,

A bill for an act to authorize railroad companies to appoint police officers,

With amendments thereto attached, and recommend the passage of the bill as amended.

They further recommend that the following bills be indefinitely postponed:

House Bill No. 208,

A bill for an act requiring the board of county commissioners of each county, to use the civil and criminal docket for the use of justices of the peace as printed and copyrighted by the Argus Printing company, of Fargo, Dakota,

House Bill No. 138,

A bill for an act to amend sections 73 and 74 of chapter 28 of the Political Code.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Townships and Cities respectfully submit the following report:

They recommend the passage of

House Bill No. 245,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus.

They also recommend the passage of

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors and defining their duties,

With the following amendments: Strike out the word "that" in the first line of section 1, and amend section 4 in line six of written bill by striking out the word "article" and inserting in lieu thereof the word "subdivision." Also strike out the word "part" and insert the word "subchapter" in the same line.

They return

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

And recommend that it be referred to the Committee on Counties.

The committee has also considered

House Bill No. 217,

A bill for an act to amend section 12 of subdivision 3, chapter 112, of the Laws of the Fifteenth Legislative Assembly,

And report it back to the House and recommend that it do not pass.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under consideration

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and procuring land for the school for deaf mutes,

And offer the following amendments:

Strike out the words "and procuring land" in title of bill.

In section 1, line 2. strike out the words "and purchasing land."

In line five, section 1, strike out the words "twenty-eight thousand dollars ($28,000)," and insert in lieu thereof the words "seventeen thousand, two hundred dollars ($17,200).

In line six, section 1, after the word "years" strike out the words "and payable at the option of the Territory after ten years."

In line seven, same section, strike out the words "at the rate of six," and insert the words "not to exceed five."

Section 2, line five, after the word "highest" insert the words "and best."

In section 6, lines one, two and three, strike out the words "and purchase land."

In section 7 strike out line four.

Same section, strike out lines five and six and insert "for building shops and laundry, $4,000. For laundry machinery, $600. For bath room and drying machinery, $400. For sewerage to dormitory and laundry $800. For tools for shop, $1,400.

In line eight, section 7, strike out the words "two thousand, five hundred ($2,500)," and insert in lieu thereof "one thousand ($1,000.)"

Strike out line nine, same section.

Strike out the words "and purchasing the lands" in line fifteen, section 7.

And recommend the bill pass as amended.

Also,

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

And amend as follows:

Section 1, line 7, strike out the words "at the rate of" and insert "not to exceed."

Section 2, line 6, after the word "highest" insert the words "and best."

Section 3, line 10, after the word "and" strike out the word "to" and insert the words "the said treasurer in his discretion may."

And recommend the bill do pass as amended.

Also,

House Bill No. 162,

A bill for an act for the relief of Louisa H. Paterson, and offer a substitute bill,

And recommend the same do pass.

WM. N. BERRY,
Chairman.

Substitute for House Bill No. 162,

A bill for an act for the relief of Louisa H. Paterson.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. The board of county commissioners of any county in the Territory of Dakota, be, and the same are hereby authorized to compensate out of the general fund of said county, the owners of any horses or mules which may have been killed by order of the county board of health of said county, by reason of said horses or mules having been afflicted with any form of the disease called glanders, which might be of a contagious nature,

Provided, that the compensation allowed by any board of county commissioners for the killing of any animals as aforesaid, shall in no case exceed two-thirds the appraised value of said animals.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

MOTIONS AND RESOLUTIONS.

Mr. Mallory moved

That the speaker be authorized to appoint three assistant engrossing and enrolling clerks, who shall each receive five dollars per day for the time actually employed by them,

Which motion prevailed.

Mr. Patten of Miner, moved

That the rules be suspended and the House go into committe of the whole to consider House Bill No. 241,

Which motion was lost.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Burnham introduced—

House Bill No. 260,

A bill for an act to provide for a commission to visit the charitable, penal and educational institutions of Dakota Territory,

Which was read the first time.

Mr. Glendenning introduced—

House Bill No. 261,

A joint resolution recalling House Bill No. 135 from the Governor,

Which was read the first time.

Mr. Glendening moved

That the rules be suspended and that House Bill No. 135 be read the second and third time and placed on its final passage.

Which motion prevailed.

The roll being called there were ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams ofBurleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Patton of Lawrence.

Messrs. Cooper, Ely, Fletcher, Greene, and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

Mr. Dodds moved

That the vote by which House Bill No. 261 was passed be reconsidered, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. McDonell introduced (by request)—

House Bill No. 262,

A bill for an act to amend section 2642 of title 3 of part 2 of the Civil Code,

Which was read the first time.

Mr. McDonell introduced—

House Bill No. 263,

A bill for an act providing for the condemnation of land adjoining side tracks of railroads for the purpose of building and operating a warehouse or elevator thereon,

Which was read the first time.

Mr. Williams of Burleigh introduced—

House Bill No, 264,

A bill for an act for the division of Morton county,

Which was read the first time.

Ms. Fellows introduced--

House Bill No. 265

A bill for an act entitled an act amending an act establishing a territorial university at Grand Forks, Dakota Territory,"

Which was read the first time.

Mr. Berry introduced—

House Bill No. 266,

A bill for an act to amend section 1 of chapter 126 of the General Laws of 1885,

Which was read the first time.

Mr. Hubbard introduced—

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of drought, hail and wind storms of the year 1886 in the several counties of the Territory of Dakota,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 268,

A bill for an act to provide for the consolidation of townships,

Which was read the first time.

Mr. Williams of Burleigh, introduced—

House Bill No. 269,

A Joint Resolution for a joint committee of five on apportionment,

Which was read the first time.

Mr. Williams of Burleigh, moved

That the rules be suspended, that the Joint Resolution be read the second and third time and placed on its final passage,

Which motion prevailed.

The roll being called, there were ayes, 40; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Gilbert, Hubbard.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

CONSIDERATION OF MESSAGES FROM THE COUNCIL.

Mr. Dodds moved

That the Council amendments to House Bill No. 60 be concurred in,

Which motion prevailed.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,

Was read the first time.

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Was read the first time.

SECOND READING OF HOUSE BILLS.

Mr. Pruitt moved

That the rules be suspended; that House bills on their second reading be read by their title only and referred to their appropriate committees,

Which motion prevailed.

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Was read the second time,

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundaries of wards,

Was read the second time and

Referred to the Committee on Towns and Cities.

SECOND READING OF HOUSE BILLS.

House Bill No. 256.

A bill for an act to amend chapter ninety-nine (99) of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 257,

A bill for an act to provide for the issuing of bonds and for additional buildings and improvements for the Dakota hospital for the insane near Yankton, Dakota, and to appropriate money therefor,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 258,
A bill for an act to require county commissioners to fix salary of salaried county officers at their regular meeting in October,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 259,
A bill for an act to create a new subdivision of the Third judicial district,
Was read the second time and
Referred to the Committee on Judiciary.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
February 26, 1887.

MR SPEAKER:
I have the honor to transmit herewith
Council Bill No. 215,
A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled an act to provide for the organization of civil townships, and the government of the same,
Council Bill No. 184.
A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Council Bill No. 150,
A bill for act to amend sections 2, 3, 4, 5, 8 and 9 of chapter 34 of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Council Bill No. 178,
A bill for an act to amend section 409 of the Civil Code relating to corporations,
Council Bill No. 102,
A bill for an act to protect game birds,

Which have been passed by the Council and your favorable consideration thereof is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

THIRD READING OF HOUSE BILLS.

House Bill No. 238,

A bill for an act entited an act to change the name of the Dakota Brokerage and Investment Co., of Sioux Falls,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, 2; not voting, 7.

Those who voted in the affirmative were:

Messsrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Glendenning, Patton of Lawrence.

Absent and not voting:

Mr. Sprague.

Messrs. Cooper, Ely, Fletcher, Greene, Jones, and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 227,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue,"

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 41; nays, none; not voting, 7,

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs Adams, Aikens.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 186,

A bill for an act in relation to vacation of town plats,

Mr. Fellows by unanimous consent offered the following amendment:

Provided that this act shall not be construed as applying to any of the territory included within the limits of any incorporated city, town or village, created and organized under and by virtue of a special act of the legislature.

Which motion prevailed.

The roll then being called on the final passage of the bill, there were ayes, 38; nays, 3; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Patton of Lawrence, Patten of Miner.

Absent and not voting:

Messrs. Schnaidt, Sullivan.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 217,

A bill for an act to amend section 12 of subdivision 3 of chapter 112 of the laws of the Fifteenth Legislative Assembly, being an act to provide for the organization of civil townships and the organization of the same

Was read the third time

Mr. Glendenning moved

That the further consideration of the same be indefinitely postponed,

Which motion prevailed.

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, 4; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Dodds, Dutch, Elliott, Gilbert, Glendenning, Harkins, Hubbard, Jones, Mallory McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hawk, Hobart, Stewart of Walsh, Sullivan.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Ensign, Fellows, Mentzer, Stewart of Fall River.

Messrs. Cooper, Ely, Fletcher Greene and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 226,

A bill for an act to amend section 2, of chapter 26, of the Political Code,

Was read the third time and

Placed upon its final passage.

The roll being called there were ayes, 36; nays, 1; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Dodds, Dutch, Elliott, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, and Mr. Speaker.

Those who voted in the negative were:

Mr. Hawk.

Absent and not voting:

Messrs. Adams, Cook, Ensign, Fellows, Sprague, and Wyman.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 138,

A bill for an act to amend sections 73 and 74 of chapter 28 of the Political Code,

Was read the third time.

Mr. Shook moved

That the further consideration of the same be indefinitely postponed,

Which motion prevailed.

House Bill No. 208,

A bill for an act requiring the board of county commissioners of each county in the Territory to purchase the civil and Criminal Docket for use of justices of the peace, as printed and copyrighted by the Argus Printing company, of Fargo,

Was read the third time.

Mr. Mallory moved

That the further consideration of the same be indefinitely postponed,

Which motion prevailed.

House Bill No. 189,

A bill for an act amending chapter 140 of the Session Laws of 1885,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 26; nays, 14; not voting, 8.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Cook, Dodds, Dutch, Glendenning, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Stewart of Walsh, Sullivan, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Ensign, Fellows, Gilbert, Hawk, Mallory, McDonell, Morris, Schnaidt, Sprague, Terrill, Ward.

Absent and not voting:

Messrs. Elliott, Jones, Shook.

Messrs. Cooper, Ely, Fletcher, Greene, and Williams of Grant, being excused.

So the bill passed, and

Its title was agreed to.

Mr. Berry moved

That the vote by which House Bill No. 189 was passed be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals, and to punish giving false pedigrees,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affimative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Jones, Mentzer, Shook.

Messrs. Cooper, Ely, Fletcher, Greene, Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

The following report was presented:

MR. SPEAKER.

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 189,

And find the same correctly engrossed.

A. J. PRUITT, Chairman.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
February 26, 1887.

To the Speaker of the House of Representatives:

House Bill No. 135

Is entitled "An act to amend section 77 of chapter 112 of the General Laws of 1883, relating to the town board of auditors."

An examination of chapter 112 of the Laws of 1883 shows that said chapter consists of two subchapters, and that there are two sections 77—one in subchapter 1 and one in subchapter 2. The section intended to be amended by this act is section 77 of subchapter 2. The title of this act does not indicate with sufficient certainty which section 77 is amended; that is to say, whether it amends section 77 of subchapter 1, or of subchapter 2. I therefore return the bill to the House without my approval. The title of every act should be sufficiently definite and certain to indicate the subject matter ot the body of the bill.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Pruitt moved

That the vote by which House Bills Nos. 226, 227 and 186 were passed be reconsidered and that the motion to reconsider be laid on the table,

Which latter motion prevailed.

Mr. Williams of Burleigh, by unanimous consent, introduced—

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Which was read the first time.

The speaker announced his signature to House Bill No. 42.

Mr. Adams moved

That the rules be suspended and that the report of the Railroad Committee on House Bill No. 152 be adopted.

Mr. Aikens demanded a call of the House,

Which being seconded,

The roll was called and all members were present except Messrs. Dutch, Jones and Shook, absent, and Messrs.

Cooper, Ely, Fletcher, Greene and Williams of Grant, excused.

Mr. Adams moved

That further proceedings under the call be dispensed with.

Ayes and nays demanded.

The roll being called, there were ayes, 30; nays, 10; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Cook, Dodds Elliott, Ensign, Fellows, Glendenning, Harkins, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Royer, Shook, Sprague, Stewart of Fall River, Stewart of of Walsh, Sullivan, Terrill, Ward, White, Wise, Wyman. Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Dutch, Gilbert, Hawk, Hobart, Patton of Lawrence, Pruitt, Ruggles, Schnaidt and Wolzmuth.

Absent and not voting:

Messrs. Burnham, Jones, Williams of Burleigh.

Messrs. Cooper, Ely, Fletcher, Greene, Williams of Grant, being excused.

So the motion to dispense with further proceedings under the call prevailed, and

Further proceedings under the call of the house were dispensed with.

Mr. Aikens moved

That the report of the Committee on Railroads be laid on the table,

Which motion was lost.

Roll call demanded on the adoption of the report of the Committee on Railroads.

The roll being called there were ayes, 16; nays, 21; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Cook, Dodds, Elliott, Glendenning, Harkins, Hobart, McDonell, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White.

Those who voted in the negative were:

Messrs. Aikens, Ensign, Fellows, Gilbert, Hawk, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sullivan, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Dutch, Jones, Royer, Shook, Wyman.

Messrs. Cooper, Ely, Fletcher, Greene and Williams of Grant being excused.

So the motion to adopt the report was lost.

House Bill No. 245,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems, or parts of systems, of water works, telegraphic fire signals and fire apparatus,

Was read the third time.

Mr. Sullivan, by unanimous consent, offered the following amendment to House Bill No. 245:

Strike out in line two, section 1, the words "three thousand" and insert in lieu thereof the words "one thousand," and after the word "all" in line one the word "towns."

Which amendment prevailed.

The roll then being called on the final passage of the bill there were ayes, 27; nays, none; not voting, 21.

Those who voted in the affirmative were:

Messrs. Bidlake, Burnham, Cook, Dodds, Elliott, Ensign, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Mallory, McDonell, Miltimore, Moore, Patten of Miner, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Berry, Dutch, Fellows, Hobart, Jones, Mentzer, Morris, Patton of Lawrence, Pruitt, Royer, Schnaidt, Shook, Williams of Burleigh, Wyman.

Messrs. Cooper, Ely, Fletcher, Greene, and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

COMMUNICATION FROM THE AUDITOR.

The following communication was received from the Auditor of the Territory:

AUDITOR'S OFFICE,
February 26, 1887.

MR. SPEAKER.

In response to the resolution of your House, I beg leave to report as follows regarding receipts of insurance fees and disposition of the same.

As the biennial period began December 1, 1884, and ended November 30, 1886, I request permission to substitute these dates for those of the resolution.

Regarding that portion of period included within the administration of my predecessor, I have no details except that he turned over to me $2,083.30. During the remainder of the period I received $10,280.90 as fees. This makes my total receipts $12,364.20.

My expenditures have been as follows up to the end of the period: Paid for clerk hire in auditor's office, $4,414.85. Paid for clerk hire in Governor's office, $1,000. Paid myself, $4,000. This left a surplus of $2,949.35, which was turned into the territorial treasury at the close of the period.

Respectfully,
E. W. CALDWELL,
Auditor.

Mr. Hawk moved

That House Bills Nos. 169 and 241 be made the special order for Monday, February 28, 1887, at 4 o'clock p. m.

Mr. Sprague moved to amend by inserting Tuesday in place of Monday,

Which amendment prevailed, and

The motion as amended prevailed.

COMMITTEE OF THE WHOLE.

Mr. Gilbert moved

That the House do now resolve itself into committee of the whole to consider House Bill No. 105,

Which motion prevailed, and

The speaker called Mr. Royer to the chair.

When the committee of the whole rose the chairman submitted the following report:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 105,

A bill for an act limiting the compensation of the treasurer, auditor, judge of probate and school superintendent of any county,

And have amended the same as follows:

In line 1, section 1, after the word "treasurer" insert the words "register of deeds."

And recommend that the bill be recommitted to the Committee on Judiciary.

D. F. ROYER,
Chairman.

Mr. Mentzer moved,

That the report of the committee of the whole be adopted,

Which motion prevailed.

Mr. Shook moved,

That House Bill No. 115 be recalled from the committee on counties and be referred to the Committee on Judiciary,

Which motion prevailed.

Mr. Ward moved,

That House Bill No. 258, be recalled from the committee on counties and referred to the Comimittee on Judiciary,

Which motion prevailed.

Mr. Hawk moved,

That House Bill No. 11, be recalled from the Committee on Ways and Means and be referred to the Committee on Judiciary,

Which motion prevailed.

Mr. Adams moved

That House Bill No. 38 be made the special order for Monday, February 28, 1887, at 3 o'clock p. m.

Which motion prevailed.

By unanimous consent the Committee on Territorial Affairs submitted the following report:

MR. SPEAKER:

The Committee on Territorial Affairs respectfully submit the following report:

They have had under consideration

Council Bill No. 107,

A bill for an act to remove the disabilities of Heinrich Muchow and restore him to citizenship,

And recommend that it do pass.

Also,

Council Bill No. 164,

A bill for an act to protect large game and quail in Dakota Territory,

And recommend that it do pass.

Also,

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with necessary books and blanks,

And recommend that the same do pass.

The committee have also considered

House Bill No. 218,

A bill for an act to establish a board of inspectors for steam vessels and steam boilers, and to provide for licensing engineers of steam engines for the years 1887 and 1888,

And report the same back, deeming it too elaborate for the present needs of this Territory, and do not recommend its passage. But your committee would favor the passage of a bill that would apply especially to agricultural and stationary engines, and would also recommend the licensing of engineers for the same.

The committee have considered

House Bill No. 248,

A bill for an act for the protection of game,

And recommend the following amendment, viz.: That the word "twenty-five," where it occurs in section 2 before the words "of either kind of said named birds," be stricken out, and the word "ten" be inserted in lieu thereof. The committee further recommend that the bill as so amended do pass.

DONALD STEWART,
Chairman.

The following reports from the Committee on Engrossed and Enrolled Bills were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bill No, 42,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 4:45 p. m. of this day House

Bill No. 42 was delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

Mr. Gilbert moved

That the vote by which House Bill No. 238 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which latter motion prevailed.

The speaker announced

That he had appointed W. A. Carr, Wm. Kaiser and J. E. Snyder assistant engrossing and enrolling clerks of the House.

Mr. Williams, of Burleigh, by unanimous consent, introduced—

House Bill No. 271,

A bill for an act for the relief of Charles S. Weaver, and to appropriate the sum of two hundred and twenty-five dollars therefor,

Which was read the first time.

Mr. Stewart, of Fall River, by unanimous consent, introduced

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Which was read the first time.

HOUSE CALENDAR.

The following bills are for general orders for February 28, 1887:

House bill No. 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fires in buildings used for public assemblages.

Council Bill No. 156,

A bill for an act entitled an act to require teachers of public schools to keep a record of the visits of county superintendents.

House Bill No. 116,

A bill for an act to amend section 7 of chapter 63 of General Laws of 1885.

House Bill No. 82,

A bill for an act to change the date of general elections in civil townships.

House Bill No. 196,

A bill for an act providing that women may vote upon all questions relating to schools and the regulation and restraint of the manufacture and sale of intoxicating liquors.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 15 of the Session Laws of 1883.

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others.

Council Bill No. 67,

A bill for an act authorizing cities, towns and villages to refund their bonded indebtedness.

House Bill No. 137,

A bill for an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881.

House Bill No. 207,

A bill for an act to provide against contracts for attorney's fees in notes, mortgages or other contracts, and for attorney's fees to be fixed by the court.

House Bill No. 206,

A bill for an act to prevent agents or attorneys from negotiating loans beyond the legal rate of interest.

House Bill No. 102,

A bill for an act to encourage voting.

House Bill No. 219,

A bill for an act to amend section 11, chapter 23, Political Code.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota.

House Bill No. 19,

A bill for an act to establish an agricultural experimental station.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota.

House Bill 199,

A bill for an act to regulate attorney's fees in case of foreclosure of chattel mortgage by advertisement.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11, and sections 721 and 733; sections inclusive of chapter 35 of the Code of Civil Procedure of this Territory.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11, and sections 721 and 733; sections inclusive of chapter 35 of the Code of Civil Procedure of this Territory.

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and providing land for the school for deaf mutes.

House Bill No. 225,

A bill for an act to provide for meetings of the township supervisors, and defining the duties of the same.

House Bill No, 242,

A bill for an act to authorize railroad companies to appoint police officers.

House Bill No. 152,

A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota.

House Bill No. 248,

A bill for an act for the protection of game.

House Bill No. 162,

A bill for an act for the relief of Louisa H. Paterson.

The following bills are for special orders:

House Bill No. 38,

A bill for an act to provide for the publication of acts of the legislative assembly in county newspapers,

For Monday, February 28, at 3 o'clock P. M.

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College, and an appropriation therefor, and

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

For Tuesday, March 1st, at 4 o'clock P. M.

Mr. Dodds moved,

That the House do now adjourn,

Which motion prevailed and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FORTY-NINTH DAY.

BISMARCK, February 28, 1887.

The House assembled at 2 o'clok p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain pro tem, Hon. J. P. Ward.

Roll called.

All members present except Mr. McDonell, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee appointed to revise and correct the Journal have the honor to report that they have examined the Journal for the 26th day of February and find the same correct with these exceptions:

In report of Committee on Towns and Cities on page 7, the number of House Bill No. 117 should be No. 217, and in House Bill No. 261, on page 7, in the title of the bill it should be House Bill No. 135 instead of No. 136.

And on page 15 under the third reading of house bills where House Bill No. 186 was read the third time, the words "was placed on its final passage" should be stricken out and the following added:

"Mr. Fellows by unanimous consent offered the following amendment:

'Provided, that this act shall not be construed as applying to any of the territory included within the limits of any incorporated city, town or village created and organized and by virtue of a special act of the Legislature,'

Which amendment prevailed."

And in the line referring to roll call, after word "called" insert the words "on its final passage."

And on page 3, after the word "concurrent" in first paragraph of protest the word "if" should be changed to "is."

With these corrections, we recommend the approval of the Journal.

C. I. MILTIMORE.
D. W. ENSIGN,
J. W. CONE.

Mr. Dodds moved

The adoption of the report,

Which motion prevailed, and the Journal as so corrected was apprroved.

PETITIONS AND COMMUNICATIONS.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned citizens of Villard county, Territory of Dakota, do most respectfully and earnestly petition your honorable body to pass a law dividing Villard county between ranges 99 and 100, and putting the eastern half in Stark county and the western half in Billings county. And your petitioners will ever pray.

RICHARD RACHEAL et al.

Which was referred to the Committee on Counties:

Mr. Cooper presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned, who are residents of Watertown, in Codington county, respectfully petition that your honorable body enact into law the bill now pending making stock in the loan and building associations of the Territory non-taxable.

GEO. E. WATSON et al.

Which was referred to the Committee on Ways and Means.

Mr. Mentzer introduced the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN:

WHEREAS, Certain bills have been introduced looking towards the reduction of our exemption laws as present constituted; and

WHEREAS, Such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminating laws. Our crops have been poor and we have unwillingly been forced into debts that must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can, if not, as soon as our limited means will allow. And to this end we would call upon you as our representatives to vote "No" when said bills come up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hughes' Council bill No. 2, and Collins' Council bill No. 6.

E. M. SHULTY, et al.

Which was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No. 45,

A bill for an act to amend section 62, chapter 28, of the Political Code, and section 7 of chapter 49, Session Laws 1879.

House Bill No. 99,

A bill for an act to amend section 54 of chapter 28 of the Political Code entitled "Revenue."

House Bill No. 83,

A bill for an act entitled "an act to regulate the time when taxes shall become due and delinquent in the Territory of Dakota."

House Bill No. 12,

A bill for an act to amend section 54 of chapter 28 of the Political Code and section 4 of chapter 49 of the Session Laws of 1879 entitled "Revenue,"

Report that they have had the same under consideration and recommend that said bills do not pass, and that substitute for such bills, herewith submitted, do pass.

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means, to whom was referred

House Bill No. 151,

A bill for an act to provide for additional compensation to district attorneys in judicial subdivisions composed of two or more counties,

Report that they have had the same under consideration and recommend that the bill do pass.

A. S. STEWART.
Chairman.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend the passage of

House Bill No. 235,

A bill for an act authorizing organized counties of the Territory of Dakota to build county buildings for court houses or jails, or both, and for other purposes.

The committee return

House Bill No. 192,

A bill for an act requiring county treasurers to deposit funds in designated depositories, and providing for interest thereon,

With an amendment,

Providing that all after the enacting clause be stricken out and the amendment transmitted therewith in the form of a bill be adopted,

And recommend that the adopted bill do pass,

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Counties to whom was referred

House Bill No. 258,

A bill for an act to require county commissioners to fix salary of salaried county officers at their regular meeting in October,

Respectfully report consideration of the same and recommend that the bill be referred to the Judiciary Committee.

Also,

House Bill No. 256.

A bill for an act to amend chapter ninety-nine (99) of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota,

And recommend that the bill do pass.

JAMES M. MOORE,
Chairman.

The following majority report on House Bill No. 111 was presented:

MR. SPEAKER:

Your Committee on Railroads to whom was referred

House Bill No. 111,

A bill for an act to assess and tax railroads and railroad property,

Beg leave to submit the following report:

Amend by changing the number of the last section of said bill from "15" to "16," and supply as section 15 the following:

"SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

And as thus amended we recommend that the bill do pass,

And that the bill be made a special order for 3 o'clock next Wednesday.

JOHN HOBART,
Chairman.

Mr. Berry moved

That the report of the Railroad Committee be adopted.

Mr. Hawk moved as a substitute

That the bill be recommitted to the Railroad Committee.

Which motion prevailed and the bill was referred as ordered.

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

House Bill No. 236,

A bill for an act to regulate telephones,

Which we recommend do pass.

DONALD STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs have had under cousideration

House Bill No. 1,

A bill for an act to provide for the appointment and prescribe the duties of a public examiner for the Territory of Dakota,

And present the following recommendations:

That two (2) competent persons be appointed as public examiners, one from North Dakota, the other from South Dakota, instead of one (1), as provided for in the bill,

Also, that the salaries of said public examiners be $2,000 each instead of $3,000, as provided in the bill.

Also,

That each of the said public examiners shall be required to give bonds to the amount of $25,000, with three securities each, as provided in the bill.

Also, that the contingent fund provided in said bill be increased from $1,000 to $1,300 for each examiner, of which $800 shall be for clerk hire and $500 for incidental expenses.

Also, that all parts of the bill be amended so as to conform to the above recommendations for the appointment of two (2) examiners instead of one (1), as provided in the bill.

We further recommend that the bill do pass as above amended.

DONALD STEWART,
Chairman.

Mr. Aikens moved

That House Bill No. 1 be referred to a special committee of three to draft a bill in accordance with the recommendations of the report of the Committee on Territorial Affairs,

Which motion prevailed, and the speaker appointed Messrs. Gilbert, Burnham and Dodds as such committee.

MR. SPEAKER:

Your committee to whom was referred substitute for House Bill No. 86,

A bill for an act to define the boundaries of the counties of Billings, Stark and Lawrence,

Respectfully report consideration of the same and recommend that the bill do pass as amended.

JAMES M. MOORE,
Chairman.

MR SPEAKER:

Your Committee on Territorial Affairs have had under consideration

House Bill No. 38,

Which we recommend do not pass, and present herewith a substitute which we recommend do pass.

DONALD STEWART,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 186 and 227,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 201 and 245,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No, 239,

And find the same correctly engrossed and enrolled.

A. J. Pruitt,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 59, 141, 190 and 216,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received:

COUNCIL CHAMBER,
February 28, 1887.

MR. SPEAKER:

I have the honor to request the return of
Council Bill No. 102,
The same having been reconsidered by the Council.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
February 28, 1887.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 239,

A bill for an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all electors voting thereon,"

House Bill No. 261,

Joint resolution recalling House Bill No. 135 from the Governor.

Which have been passed by the Council without change.

House Bill No. 81,

A bill for an act prescribing the time and place for holding the district court within and for the Second judicial district of the Territory of Dakota exercising the power and jurisdiction of the district and circuit courts of the United States,

Which has been lost on passage.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

MR. PRESIDENT:

I have the honor to return herewith
House Bill No. 48,

For consideration by the House of Representatives with regard to its engrossment in accordance with the amendments made in the house.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

MOTIONS AND RESOLUTIONS.

Mr. Burnham moved

That House Bill No. 192 be made a special order for today at 3 p. m.

Which motion prevailed.

Mr. Ward moved

That substitute for House Bill No. 196 be printed.

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Sprague introduced—

House Bill No. 273,

A memorial to congress praying for the construction of a dam for the improvement of navigation on the Red River,

Which was read the first time.

Mr. White introduced—

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota,

Which was read the first time.

Also,

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

Which was read the first time.

Mr. Mentzer introduced—

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Which was read the first time.

Mr. Mallory introduced—

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

Which was read the first time.

Mr. Bidlake introduced (by request)—

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain as notary public of the Territory of Dakota,

Which was read the first time.

Mr. Moore introduced—

House Bill No. 279,

A bill for an act to amend section 2, chapter 28 of the Political Code, relating to exemption of property from taxation,

Which was read the first time.

Mr. Cooper introduced—

House Bill No. 280,

A bill for an act regulating the election of county and township assessors,

Which was read the first time.

Also,

House Bill No. 281,

A bill for an act to legalize the acts of Allen M. Chaney as notary public,

Which was read the first time.

Mr. Fletcher introduced—

House Bill No. 282,

A bill for an act to amend section 726 of the Penal Code of the Territory of Dakota,

Which was read the first time.

Mr. Gilbert introduced—

House Bill No. 283,

A bill for an act making appropriations for the maintenance of the school for deaf mutes at Sioux Falls,

Which was read the first time.

Mr. Wolzmuth introduced—

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota Territory,

Which was read the first time.

Mr. Ruggles introduced—

House Bill No. 285,

A bill for an act to amend section 17 of chapter 39 of the Code of Civil Procedure,

Which was read the first time.

Mr. Elliott introduced—

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Which was read the first time.

Mr. Glendenning introduced—

House Bill No. 287,

A bill for an act to amend section 77 of subchapter 1 of chapter 112 of the General Laws of 1883, relating to the town board of auditors,

Which was read the first time.

Mr. Glendenning moved

That the rules be suspended and that the bill be read the second and third time and placed on its final passage,

Which motion prevailed.

The roll being called, there were ayes, 43; nays, none; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Ensign, Fletcher, McDonell, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

Mr. Harkins moved

To reconsider the vote by which House Bill No. 287 was passed, and to lay the motion to reconsider on the table,

Which motion prevailed.

Mr. Fellows introduced—

House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota at Grand Forks, Dakota,

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 102,

A bill for an act to protect game birds. Substitute for Council Bill No. 102 and Council Bill No. 190,

Was read the first time.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code relating to corporations,

Was read the first time.

Council Bill No. 150,

A bill for an act to amend sections 2, 3, 4, 8 and 9 of chapter 35 of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Was read the first time.

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the first time.

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, "entitled an act to provide for the organization of civil townships, and the government of the same,"

Was read the first time.

SECOND READING OF COUNCIL BILLS.

Mr. Aikens moved

That Council and House Bills on their second reading be read by title and referred to appropriate committees,

Which motion prevailed.

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Was read the second time and

Referred to the Committee on Towns and Cities.

Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,

Was read the second time and

Referred to the Committee on Towns and Cities.

COMMITTEE OF THE WHOLE.

Mr. Cooper moved

That the House do now resolve itself into a committee of the whole to consider special orders of the day,

Which motion prevailed, and

The speaker called Mr. Mentzer to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No. 192,

A bill for an act to require treasurers to deposit funds in designated depositories and providing for interest thereon,

Together with the amended substitute bill reported by the Judiciary Committee and recommend the passage of the bill as amended; and, further, that the rules be suspended and the bill as amended be at once placed upon its final passage.

Also,

House Bill No. 19,

Providing for an agricultural experimental station,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 19,

A bill for an act relating to marriages and the registration thereof, together with the amendments proposed by the House Judiciary Committee,

And recommend the passage of the bill as so amended.

T. F. MENTZER,
Chairman.

Mr. Dodds moved

To adopt the report of the committee.

Mr. Sprague moved

To amend by adopting all the report of the committee except that portion relating to House Bill No. 19.

Call of the House demanded.

Mr. Pruitt moved

To dispense with further proceedings under the call.

The roll being called there were ayes, 26; nays, 10; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cooper, Dodds, Dutch, Ensign, Fletcher, Glendenning, Harkins, Hawk, Hubbard, Mallory, Miltimore, Patton of Lawrence, Pruitt, Ruggles, Shook, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White. Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Fellows, Gilbert, Greene, Hobart, Royer, Sprague, Williams of Burleigh.

Absent and not voting:

Messrs. Cook, Elliott, Ely, Jones, McDonell, Mentzer, Moore, Morris, Patten of Miner, Schnaidt, Sullivan, Wyman.

So the motion prevailed, and

The amendment of Mr. Sprague was adopted, and

The original motion as amended prevailed.

The speaker announced his signature to

Council Bills Nos. 9, 130, 111, 148, 188 and 17, and House Bill No. 239.

SECOND READING OF HOUSE BILLS.

House Bill No. 260,

A bill for an act to provide for a commission to visit the charitable, penal and educational institutions of Dakota Territory,

Was read the second time, and

Referred to the Committee on Charitable Institutions.

House Bill No. 262,

A bill for an act to amend section 2642 of title 3 of part 2 of the Civil Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 263,

A bill for an act providing for the condemnation of land adjoining side tracks of railroads for the purpose of building and operating a warehouse or elevator thereon,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No, 264,

A bill for an act for the division of Morton county,

Was read the second time and

Referred to the Committee on Counties.

House Bill No. 265,

A bill for an act entitled "an act amending an act establishing a territorial university at Grand Forks, Dakota Territory,"

Was read the second time and

Referred to the Committee on Education.

House Bill No. 266,

A bill for an act to amend section 1 of chapter 126 of the General Laws of 1885,

Was read the first and second time and

Referred to the Committee on Judiciary.

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of drought, hail and wind storms of the year 1886 in the several counties of the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

House Bill No. 268,

A bill for an act to provide for the consolidation of townships,

Was read the second time and

Referred to the Committee on Towns and Cities.

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 271,

A bill for an act for the relief of Charles S. Weaver, and to appropriate the sum of two hundred and twenty-five dollars therefor,

Was read the first and second time and

Referred to the Committee on Appropriations.

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Was read the second time and

Referred to the Committee on Judiciary.

Mr. Greene, by unanimous consent, introduced

House Bill No. 289,

A bill for an act to legalize assessment rolls,

Which was read the first time.

Mr. Williams, of Burleigh, by unanimous consent, introduced

House Bill No. 290,

A bill for an act to amend an act entitled "an act to provide for the levy and collection of taxes upon the property of railroads in this Territory," approved March 9, 1883,

Which was read the first time.

Also,

House Bill No. 291,

A bill to amend section 6 of an act entitled "an act to provide for the estahlishment of a board of railroad commissioners, defining their duties and to regulate the receiving and transportation of freight on railroads in this Territory,"

Which was read the first time.

Also,

House Bill No 292,

A bill for an act making appropriations for the current and contingent expenses of the territorial penitentiary at Bismarck,

Which was read the first time.

Also,

House Bill No. 293,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota penitentiary at Bismarck,

Which was read the first time.

Mr. White, by unanimous consent, introduced—

House Bill No. 294,

A bill for an act relating to the insurance of public buildings of the Territory of Dakota,

Which was read the first time.

Mr. Harkins by unanimous consent introduced—

House Bill No. 295,

A bill for an act to amend an act entitled "an act to amend chapter 30 of the Political Code relating to territorial militia,"

Which was read the first time.

Mr. Sprague moved

To suspend the rules and that all bills reported from the committee of the whole to-day be read the third time and placed on their final passage,

Which motion was lost.

Mr. Williams of Burleigh, moved

That the rules be suspended and that substitute for House Bill No. 86

Be read the third time and placed on its final passage,

Which motion prevailed.

Substitute for House Bill No. 86,

An act to define the boundaries of Billings, Stark and Lawrence counties.

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewartof Fall River, Stewart of Walsh, Terrill Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, McDonell, Moore, Pattenof Miner, Pruitt, Sullivan, Wolzmuth.

So the bill passed, and

Its title was agreed to.

Mr. Adams moved

That the rules be suspended and that substitute for House Bill No. 38

Be read the third time and placed on its final passage,

Which motion was lost.

Mr. Adams moved

That the bill be committed to the Committee on Printing,

Which motion prevailed.

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositories and providing interest thereon,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 41; nays, 1; not voting, 5.

Those who voted in the affirmative were:

Messssrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Fletcher.

Absent and not voting:
Messrs. McDonell, Moore, Pruitt, Sullivan, Wolzmuth.

So the bill passed, and
Its title was agreed to.

Council Bill No. 19,
A bill for an act relating to marriages and the registration thereof,
Was read the third time and placed on its final passage.

The roll being called, there were ayes, 40; nays, 3; not voting, 5,

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth and Mr. Speaker.

Those who voted in the negative were:
Messrs. Berry, Hawk, and Patton of Lawrence.

Absent and not voting:
Messrs. Fellows, McDonell, Pruitt, Sullivan and Wyman.

So the bill passed and
Its title was agreed to.

Mr. Burnham moved
To reconsider the vote by which House bill No. 192 and Council bill No. 19 were passed, and to lay the motion to reconsider on the table.
Which motion prevailed.

Mr. Greene moved
To reconsider the vote by which substitute for House Bill No. 86 was passed, and to lay the motion to reconsider on the table,
Which motion prevailed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 107,
For an act to remove the political disabilities of Henry Muchow,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 4; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Gilbert,, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Elliott, Fletcher, Sullivan.

Absent and not voting:

Messrs. Adams, Ely, Fellows, Jones, McDonell, Mentzer, Patton of Lawrence, Royer, Shook, White, Williams of Burleigh.

So the bill passed and

Its title was agreed to.

Council Bill No. 164,

A bill for an act to protect large game and quail in Dakota Territory,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, 9; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Greene, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Glendenning, Harkins, Hawk, Mallory, Patten of Miner, Royer, Stewart of Fall River, Wise.

Absent and not voting:

Messrs. Berry, Ensign, Hobart, McDonell, Pruitt, Sullivan, Wyman.

So the bill passed and

Its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 132,

A bill for an act to make it the duty of the county auditor or clerk to supply civil townships with books and blanks,

Was read the third time and

Placed upon its final passage.

The roll being called there were ayes, 28; nays, 7; not voting, 13.

Those who voted in the affimative were:

Messrs. Bidlake, Burnham, Cooper, Dodds, Dutch, Gilbert, Glendenning, Greene, Harkins, Hubbard, Mallory, Mentzer, Moore, Patton of Lawrence, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Cook, Elliott, Hawk, Hobart, Jones, Schnaidt.

Absent and not voting:

Messrs. Adams, Berry, Ely, Ensign, Fellows, Fletcher, McDonell, Miltimore, Morris, Patten of Miner, Sullivan, Ward, Wyman.

So the bill passed and

Its title was agreed to..

House Bill No. 151,

A bill to provide for additional compensation to district attorneys in judicial subdivisions composed of two or more counties,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 11; nays, 32; not voting, 5.

Those who voted in the affirmative were:

Messrs. Dodds, Ensign, Hobart, Mallory, Patton of Lawrence, Ruggles, Shook, Stewart of Fall River, White, Williams of Burleigh, Wolzmuth.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Sprague, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Mentzer, Stewart of Walsh, Sullivan, Wyman.

Mr. McDonell being excused.

So the bill was lost.

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 38; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hawk, Ruggles.

Absent and not voting:

Messrs. Dutch, Ely, Fellows, Jones, Sullivan, Wyman.

Messrs. Berry and McDonell being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 218,

A bill for an act to establish a board of inspectors for steam vessels, steam boilers and provide for licensing of engineers.

Was read the third time and placed upon its final passage.

Mr. Pruitt moved

To postpone indefinitely the further consideration of the bill,

Which motion prevailed.

House Bill No. 235,

A bill for an act authorizing organized counties of the Territory to build county buildings for court house or jail or both, and for other purposes,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 39; nays, 3; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Glendenning, Jones, White.

Absent and not voting:

Messrs. Bidlake, McDonell, Shook, Sullivan, Wyman.

Mr. Berry being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 236,

A bill for an act to regulate telephones,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 38; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. Pruitt.

Absent and not voting:

Messrs. Cook, Ely, Ensign, Mallory, McDonell, Mentzer, Sullivan, Wyman.

Mr. Berry being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Ensign, Fletcher, Sullivan, Wyman.

Messrs. Berry and McDonell being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 256,

A bill for an act to amend sections 99 of the General Laws of 1883, te provide for the levying and collection of taxes upon the property of railroad companies,

Was read the third time and placed on its final passage.

Mr. Stewart of Fall River moved

That the bill be referred to general orders,

Which motion prevailed.

Mr. Gilbert moved

That when the House adjourn, it adjourn to meet tomorrow at 10 o'clock,

Which motion was lost.

Mr. Sprague moved

To adjourn,

Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTIETH DAY.

BISMARCK, March 1, 1887.

The House assembled at 2 o'clok p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee appointed to revise and correct the Journal have the honor to report that they have examined the Journal for the 28th day of February and find the same correct with these exceptions:

On page 18, where House Bill No. 19, a bill for an act relating to marriages and the registration thereof, was read the third time, it should be Council Bill No. 19.

And on page 19, under the third reading of Council bills, House Bill No. 164, a bill for an act to protect large game and quail in Dakota Territory, it should be Council Bill No. 164.

And on page 15, after the name of Mr. Williams, on introduction of House Bill No. 290, the words "of Burleigh" should be inserted.

And on page 12, in second reading of Council bills, Council Bill No. 212 should be Council Bill No. 112.

And on page 2, strike out the name of Mr. Cook and insert Mr. Cooper.

With these corrections we recommend the approval of the Journal.

C. I. MILTIMORE.
D. W. ENSIGN,
J. G. HAMILTON,

Which report was adopted, and
The Journal approved as corrected.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:

Your committee on cities and towns respectfully submit the following report:.

They recommend the passage of the following bills:

Council Bill No. 112,

A bill for an act to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota, for school and other purposes,

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

With the following amendment: After the word highest in line 8, of section 3, insert the words "and best".

House Bill No. 142,

A bill for an act to provide for the location of alleys in incorporated towns and villages.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

Your Committee on Counties have had under consideration

Council Bill No. 74,

An act creating the office of county auditor and defining the duties thereof,

And recommend that it do pass, and be made a special order for Wednesday, at 3 o'clock p. m.

JAMES M. MOORE,
Chairman.

Mr. Dodds moved
The adoption of the report,
Which motion prevailed.

MR. SPEAKER:

Your Committee on Counties have had under consideration

Substitute House Bill No. 159,

A bill for an act defining the boundaries of the counties of Church and Pierce and for other purposes.

We recommend that the word "Benson" be stricken out of said bill wherever it occurs, and that the bill be made a special order for 3 o'clock p. m. Thursday next.

JAMES M. MOORE,
Chairman.

Mr. Shook moved

To adopt the report,

Which motion prevailed.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend the passage of

House Bill No. 178,

A bill for an act to amend section 655 of the Code of Civil Procedure.

The committee return herewith

House Bill No. 108,

A bill for an act relating to notaries public,

And recommend that the bill be amended as follows:

Strike out all of section 1 and number section 2 of the bill "Section 1."

Add the following as section 2: The secretary shall issue a commission to each notary public appointed by the Governor, and duplicate, one of which shall by said notary public, be posted in a conspicuous place in his office for public inspection. And the secretary shall be entitled to receive and charge a fee therefor of $5, three-fifths of which shall be paid to the territorial auditor for the use of the executive in the employment of such clerical assistance as he may deem necessary. The secretary shall keep in his office a complete record of such appointments, and the date of their expiration, and shall notify each notary, by mailing to such notary, postage prepaid, at his last known post office address, at least thirty days before the expiration of his term, a notice of the date upon which his commission will expire.

Strike out all of "section 3" and number section 4 "section 3" and section 5, "section 4."

As amended the committee recommend the passage of the bill.

FRANK R. AIKENS,
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

Your committee to whom was referred

House Bill No. 1,

Beg leave to report that we have conformed to the required changes to be made in said bill as reported from the Committee on Territorial Affairs—where it applys to two persons instead of one—and as amended report favorably.

J. T. GILBERT,
J. W. BURNHAM.
D. S. DODDS.
Chairman.

Mr. Shook moved

That the attorney general be requested to give his opinion to this House as to the legality of the gross earnings law, taxing railroad companies in Dakota Territory,

Which motion prevailed.

Mr. Shook moved

That the attorney general be requested to give his opinion to this House as to whether, under the present law of this Territory, county district attorneys can be legally elected in counties where no district courts have ever been held, and as to whether there is any such office as that of district attorney in counties where no such courts are held,

Which motion prevailed.

Mr. Berry moved

That the Committee on Territorial Affairs be authorized to employ a clerk to perform the clerical work of that committee, necessitated by the number of bills now before them for consideration,

Which motion was lost.

Mr. Fletcher moved

The sergeant-at-arms be instructed to strictly enforce Rule XLIV of this House.

Mr. Moore moved

To lay the motion on the table,

Which motion was lost

And the original motion was lost.

Mr. Pruitt moved

That the vote taken on

House Bill No. 151,

Providing for additional compensation to district attorneys in judicial subdivisions composed of two or more counties, be reconsidered, and that the bill be referred to the Committee on Judiciary.

Mr. Adams moved

To lay the motion on the table,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—

House Bill No. 296,

A bill for an act to amend section 73 of chapter 28 of the Political Code,

Which was read the first time.

Mr. Berry introduced—

House Bill No. 297,

A bill for an act to amend sections 1, 2 and 6 of chapter 126, Laws of 1885, and chapter 66, Laws of 1885,

Which was read the first time.

Mr. Pruitt introduced—

House Bill No. 298,

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

Which was read the first time, and

Mr. Pruitt moved

That the rules be suspended and the bill read the second time,

Which motion prevailed.

The bill was read the second time and

Referred to the Committee on Judiciary.

Mr. Mentzer introduced—

House Bill No. 299,

A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes,

Which was read the first time.

SECOND READING OF COUNCIL BILLS

Mr. Sullivan moved

That on the second reading of Council and House bills they be read by their titles only and referred to their appropriate committees,

Which motion prevailed.

Council Bill No. 150,

A bill for act to amend sections 2, 3, 4, 8 and 9 of chapter 35 of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code relating to corporations,

Was read the second time and

Referred to the Committee on Judiciary.

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883,entitled "an act to provide for the organization of civil townships, and the government of the same."

Was read ths second time and

Referred to the Committee on Towns and Cities.

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the second time and

Referred to the Committee on Territorial affairs.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr Sullivan, by unanimous consent, introduced—

House Bill No. 300,

A bill for an act to provide for the construction and management of artesian wells in this Territory and to provide a mode of paying for the same,

Which was read the first time.

Mr. Ely, by unanimous consent, introduced—

House Bill No. 301,

A bill for an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Which was read the first time, and

On motion of Mr. Burnham

The rules were suspended, and

The bill read the second time and
Referred to the Committee on Public Health.

Also,
House Bill No. 302,
A bill for an act to prevent the spread of contagious diseases among sheep,
Which was read the first time and
On motion of Mr. Burnham
The rules were suspended,
The bill read the second time and
Referred to the Committee on Public Health.

Mr. Fellows, by unanimous consent, introduced—
House Bill No. 303,
A bill for an act entitled "an act requiring certain orders, judgments and decrees in probate courts to be recorded."
Which was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 112,
A bill for an act to provide for the issuance of bonds by cities and municipal corporations,

Was read the third time and placed on its final passage.

The roll being called there were, ayes, 38; nays, 1; not voting, 9.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Wolzmuth.

Absent and not voting:
Messrs. Adams, Ely, Fletcher, Hubbard, McDonell, Morris, Patton of Lawrence, Pruitt, Schnaidt.
So the bill passed, and
Its title was agreed to.
The Committeee on Territorial Affairs, by unanimous consent, made the following report:

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 190,

A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use and to confiscate such property,

Have had the same under consideration and recommend it do pass.

Also,

House Bill No. 209,

A bill for an act declaring dogs to be personal property and subject to taxation,

Do not pass.

Also Substitute for House Bill No. 145,

Which we recommend be printed.

DONALD STEWART,
Chairman.

Mr. Miltimore moved

The adoption of the report,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota,

Was read the second time and

Referred to the Committee on Appropriations.

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Was read the second time and

Referred to the Committee on Cities and Towns.

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

Was read the second time and
Referred to the Committee on Counties.

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain as notary public of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 279,
A bill for an act to amend section 2, chapter 28 of the Political Code, relating to exemption of property from taxation.
Was read the second time and
Referred to the Committee on Ways and Means.

House Bill No. 280,
A bill for an act regulating the election of county and township assessors,
Was read the second time and
Referred to the Committee on Counties.

House Bill No. 281,
A bill for an act to legalize the acts of Allen M. Chaney as notary public,
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 282,
A bill for an act to amend section 726 of the Penal Code of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Temperance.

House Bill No. 283,
A bill for an act making appropriations for the maintenance of the school for deaf mutes at Sioux Falls,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 284,
A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota Territory,

Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 285,
A bill for an act to amend section 17 of chapter 39 of the Code of Civil Procedure,

Was read the second time and
Referred to the Committee on Judiciary.

THIRD READING OF HOUSE BILLS.

House Bill No. 142,
A bill for an act to provide for the location of alleys in cities, towns and villages,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 17; nays, 8; not voting, 23.

Those who voted in the affirmative were:
Messrs. Bidlake, Cooper, Dodds, Gilbert, Glendenning, Greene, Hobart, Mentzer, Miltimore, Moore, Shook, Sprague, Stewart of Walsh, Terrill, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Berry, Harkins, Hawk, Ruggles, Schnaidt, Sullivan, Williams of Burleigh.

Absent and not voting:
Messrs. Aikens, Burnham, Cook, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Hubbard, Jones, Mallory, McDonell, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Stewart of Fall River, Ward, White, Williams of Grant, Wyman.

So the bill passed and
Its title was agreed to.

House Bill No. 178,
A bill for an act to amend section 655 of the Code of Civil Procedure,
Was read the third time and placed on its final passage.

The roll being called, there were ayes, 43; nays, 2; not voting, 3,

Those who voted in the affirmative were:
Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Sullivan, Wise.

Absent and not voting:
Messrs. Aikens, Ely, Greene, Ruggles.

So the bill passed and
Its title was agreed to.

House Bill No. 190,
A bill for an act to suppress the circulation, advertising and vending of obscene and immoral literature and articles of indecent and immoral use, and to confiscate such property,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 14; not voting, 6.

Those who voted in the affimative were:
Messrs. Adams, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Fellows, Fletcher, Glendenning, Hobart, Hubbard, Jones, McDonell, Royer, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Elliott, Gilbert, Harkins, Hawk, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Stewart of Fall River.

Absent and not voting:
Messrs. Aikens, Bidlake, Ely, Greene, Shook, Wolzmuth.

So the bill passed and
Its title was agreed to.

Mr. Sprague moved
To reconsider the vote by which House Bill No. 190 was passed and to lay the motion to reconsider on the table.

Yeas and nays demanded.
The roll being called there were ayes, 23; nays, 23; not voting, 2.
Those who voted in the affirmative were:
Messrs. Adams, Berry, Burnham, Cook, Cooper, Dutch, Fletcher, Glendenning, Greene, Hobart, Hubbard, Jones, McDonell, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:
Messrs. Aikens, Bidlake, Dodds, Elliott, Ely, Ensign, Fellows, Gilbert, Harkins, Hawk, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Stewart of Fall River, Wise.

Absent and not voting:
Messrs. Wolzmuth, Wyman.

So the motion to reconsider and lay on the table was lost.

House Bill No, 209,
A bill for an act declaring dogs to be personai property and subject to taxation,
Was read the third time.

Mr. Stewart of Walsh moved
That the further consideration of the bill be indefinitely postponed,
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from theCouncil:

COUNCIL CHAMBER,
March 1, 1887.

MR. SPEAKER:
I have the honor to transmit herewith
Council Bill No. 20,
A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poison in the Territory of Dakota.
Council Bill No. 125,
A bill for an act providing for certain legal printing and fixing the compensation therefor,
Which have been passed by the Council, and your favorable consideration thereof is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 1, 1887.

MR. SPEAKER:
I have the honor to return herewith
House Bill No. 55,
A bill for an act entitled "an act authorizing and em-

powering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness and to provide for the payment of the interest and principal thereof,".

Which the Council has amended as follows;

In line twelve of section 1 strike out "1883" and insert "1880," and by adding to section 2 the following:

When such warrants are so taken up and paid by the issue of bonds, as herein provided for, such warrants shall be marked "paid by bond No.—" (giving number of bond) and shall be retained by the county treasurer until his settlement with the county commissioners, and shall then be carefully compared with the bond register, and after such comparison shall be placed in the custody of the county auditor or county clerk, and it shall be his duty to preserve the same. The county treasurer shall endorse upon each warrant so taken up and paid the amount of interest allowed thereon.

Strike out the words "and to cancel them when paid," in the last line of section 4 of the written bill and insert in lieu thereof the following: "Out of any funds in his hands applicable thereto, and shall cancel them when paid by writting or stamping across the face of each coupon or bond the words "cancelled by payment this....day of........" (inserting the date of payment.)

Add to section 7 the following:

Notice of such election shall be given in the manner provided by law for conducting special elections, and such notice shall state the amount of bonds to be issued, when payable and the rate of interest they are to bear. The voting shall be done by written or printed ballots and all ballots depösted in favor of issuing bonds shall have thereon the words "For issuing bond," and those opposed shall have thereon the words "Against issuing bonds;" and if a majority of the votes cast shall be in favor of issuing, bonds, the board of county commissioners shall forthwith proceed to issue the bonds in accordance with the vote and the provisions of this act. The election in all other respects shall be conducted in accordance with the law regulating general elections.

In section 5 after the word "of" in line 2 and insert the words "one-half of".

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Patten of Miner moved

That the House do now resolve itself into a committee of the whole to consider special and general orders,

Which motion prevailed and the speaker called Mr. Williams of Burleigh to the chair.

When the Committee rose the following report was made:

MR SPEAKER:

The committee of the whole have had under consideration

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

Together with the report of the Committee on Appropriations.

And recommend that the following amendments be adopted:

Section 1, line seven, strike out the words "at the rate of" and insert "not to exceed."

Section 2, line six, after the word "highest" insert the words "and best."

Section 3, line ten, after the word "and" strike out the word "to" and insert the words "the said treasurer in his discretion may."

And recommend the bill do pass as amended.

Also have considered

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College, and an appropriation therefor, and

Recommend that in section 2, line five, the word "five" be stricken out and the word "three" be inserted in lieu thereof.

In line two, section 2, strike out the word "nine" and insert the word "seven."

Insert the word "and" after the word "necessary" in line five, section 3.

Also, strike out the word "five" in line three, section 7, and insert the word "three."

The following substitute is a substitute for section 8, with the exception of striking out the words "eighty thousand" and inserting in lieu thereof "thirty thousand":

SEC. 8. And be it further enacted that for the purpose of providing funds for the purchase of not less than eighty (80) acres of land and the construction and furnishing of necessary buildings and implements for said North Dakota Territorial Agricultural college and conducting the same, the territorial treasurer is hereby authorized, empowered, and it is hereby made his duty, to prepare for issue thirty thousand (30,000) dollars of territorial bonds, running for a term or period of fifteen years and bear interest at a rate not to exceed six per cent. per annum, with coupons attached, and made payable semi-annually, on the first day of January and July of each year; such bonds shall be executed under the seal of the Territory by the Governor and treasurer, and shall be attested by the secretary, and shall be registered by the treasurer of the Territory, and sold to the highest and best bidder for cash, premium on sale of bonds to go into the college fund.

Also recommend the adoption of the following additional section:

SEC. 9. In case the Territory of Dakota is divided the bonds issued under the provisions of this act shall be paid by that portion of the Territory within which said North Dakota Territorial Agricultural College is situated.

Section 9 be numbered "section 10" and section 10 be numbered "section 11."

And so amended they recommend the bill do pass.

And recommend that the
House Bills Nos. 24 and 169
Be placed on their third reading and final passage.

E. A. WILLIAMS,
Chairman.

Mr. Hawk moved
That the report of the committee of the whole be adopted,
Which motion prevailed.

Pending roll call on
House Bill No. 169,

Mr. Williams of Burleigh demanded a call of the House,
Which being seconded, the roll was called, and all members were present except Mr. Greene, absent, and Mr. Moore, excused.

Mr. Greene having entered the House, the further proceedings under the call were dispensed with.

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Agricultural college and an appropriation therefor,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 26; nays, 20; not voting, 2.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher; Gilbert, Glendenning, Harkins, Hawk, Hobart, McDonell, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Ward, White, Williams of Burleigh, Wolzmuth.

Those who voted in the negative were:

Messrs. Adams, Berry, Cook, Cooper, Dutch, Greene, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Pruitt, Schnaidt, Stewart of Walsh, Terrill, Williams of Grant, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Mr. Patton of Lawrence.

Mr. Moore being excused.

So the bill passed, and

Its title was agreed to.

Mr. Stewart of Fall River, moved

That the vote by which House Bill No. 169 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which latter motion prevailed.

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the normal school building and dormitory at Madison, Dakota, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, 6; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant,

Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Bidlake, Cook, Jones, Mallory, Ruggles, Stewart of Walsh.

Absent and not voting:
Messrs. Ely, Mentzer.

Mr. Moore being excused.

So the bill passed, and
Its title was agreed to.

Mr. Dutch moved
That the vote by which House Bill No. 241 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 1, 1887.

MR. SPEAKER:
I have the honor to transmit herewith,
Council Bill No. 267,
A bill for an act entitled "an act to provide for the appointment of a county clerk for Yankton county and to define his duties,"
Which has been passed by the Council and your favorable consideration thereof is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

SECOND READING OF HOUSE BILLS.

Mr. Williams of Burleigh, moved that
House Bills Nos. 291, 292 and 293
Be read the shird time and referred to their appropriate committees,
Which motion prevailed.

House Bill No. 291,
A bill to amend section 6 of an act entitled "an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory,"

Was read the second time and
Referred to the Committee on Railroads.

House Bill No 292,
A bill for an act making appropriations for the current and contingent expenses of the territorial penitentiary at Bismarck,
Was read the second time and
Referred to the Committee on Appropriations.

House Bill No. 293,
A bill for an act to provide funds for making permanent and necessary improvements at the Dakota penitentiary at Bismarck,
Was read the second time
Referred to the Committee on Appropiations.

Mr. Aikens, by unanimous consent, introduced—
House Bill No. 304,
A bill for an act authorizing the territorial treasurer to purchase time lock safe for use of the office of the territorial treasurer,
Which was read the first time.

The following report was presented:

MR. SPEAKER:
The Committee on Engrossed and Enrolled Bills have examined
House Bills Nos. 48 and 254,
And find the same correctly engrossed.
A. J. PRUITT,
Chairman.

Mr. Williams of Burleigh, moved
That the House concur in the Council amendments to House Bill No. 55,
Which motion prevailed,
And the Council amendments were concurred in.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 1, 1887.

To the Speaker of the House of Representatives;

I have the honor to return herewith
House Bill No. 42,

Entitled an act authorizing the division of counties, and for other purposes,

Without my approval, for the following reasons, to-wit-

The bill provides that the election shall be had in that part of the county desiring seggregation only. This is certainly wrong in principle. Where an entire community has common interests and has incurred responsibilities to the outside community by way of indebtedness and otherwise, it is but just and right to them that all concerned shall participate in determining such questions of vital importance as are raised by this bill.

The bill is objectionable in that no limit is placed upon the calling of these special elections contemplated by the bill. The special election may be held, and if determined adversely, there is nothing in the bill that would prevent the five hundred voters from persisting in having special elections repeatedly called, until the community is harassed into complying with their desires and the county put to a large expense. Some provision should be made to prevent a constant renewal of such application. When once determined it should be considered settled for a stated period of time at least.

The bill is objectionable in that it does not leave the calling of the election discretionary with the county commissioners. They must call the election on petition of five hundred voters, and yet, as far as the act goes, these five hundred voters may be a small minority of the voters in the county.

The bill provides for transcripts of all records and other expenses, and places no limit or restriction as to the amount of the expenses that may be incurred. This is certainly objectionable and dangerous to the public interest.

The bill is objectionable in that it is of that class of legislation known as "special legislatior," and prohibited by law.

These are but a few of the objections appearing in this bill, but are of sufficient importance to justify me in withholding my sanction of the bill.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Williams of Burleigh moved

That the message and the bill to which it refers be referred to the Committee on Judiciary,

Which motion prevailed.

EXECUTIVE OFFICE,
February 28, 1887.

To the Speaker of the House of Representatives:

I herewith respectfully transmit the report of the joint committee appointed to confer with a like committee from the Legislative Assembly of Montana with reference to the adoption of some common measure or measures for the prevention and suppression of contagious diseases among live stock, and the protection of that industry, which I respectfully submit for your consideration.

Respectfully,
LOUIS K. CHURCH,
Governor.

To the Governor and Legislative Assembly:

Your joint committee appointed to confer with a like committee from the Legislative Assembly of Montana with reference to the adoption of a common measure or measures for the prevention and suppression of contagious diseases among live stock, and the protection of that industry, have the honor to report that in the performance of the duties assigned them, they proceeded to Helena, where they met the Montana committee, the officers of the Montana Stock Growers' association, the board of stock commissioners and many of the leading stock growers of that country. The parties above mentioned met at the rooms of the Stock Growers' association, on Tuesday morning, the 22d inst., and organized by electing Hon. A. Hughes, of Bismarck, chairman, and J. G. Hamilton, of Grand Forks, as secretary. Meetings were continued until 1 o'clock a. m. of Thursday, the 24th of February.

House Bill No. 71, introduced by Mr. Ely, was the first matter considered, and the subjects which provoked the most discussion were:

First. The powers of the veterinary surgeon.

Second. The compensation to be allowed that official, to-wit: whether he shall be paid a salary, or per diem, as House Bill No. 71 provided.

Third. Proper regulations for the inspection of live stock coming into the Territory.

Fourth. Compensation to be given the owner in case of the destruction of animals diseased or suspected of being diseased.

As a result of our deliberations, your committee would recommend the passage of the following bills:

A BILL

For an Act to Suppress and Prevent the Spread of Contagious or Infectious Diseases Among Domestic Animals.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That the governor of the Territory is hereby anthorized to nominate, and by and with the advice and consent of the council appoint a competent veterinary surgeon, who shall be known as the "veterinary surgeon;" and, on entering on his duties, shall take an oath to well and truly perform his duties, as provided by law.

SEC. 2. The duties of said territorial veterinary surgeon shall be as follows:

1. To investigate any and all cases of contagious or infectious diseases among cattle, horses, mules and asses, in this Territory, of which he may have a knowledge or which may be brought to his notice by any resident in the locality where such disease exists; and it shall be his duty, in the absence of specific information, to make visits of inspection to any locality where he may have reason to suspect that there is contagious or infectious diseases.

2. To inspect, under the regulations of this act, all cattle, horses, mules and asses, which may be brought into this Territory, in any manner whatever, from or through such state, territory, or foreign country, as the governor shall declare by proclamation, in quarantine for purposes of inspection for contagious or infectious diseases. And after the making of such proclamation it shall be the duty of the owner or person in charge of any domestic animals or Texas cattle arriving in this Territory, from or through any state, territory or foreign country, against which quarantine has been declared, to notify the veterinary surgeon without delay, and not to allow such animals, or any of them, to leave the place of arrival until they shall have been examined by the said surgeon, and his certificate obtained that all are free from disease; and no animal pronounced unsound from disease by the veterinary surgeon shall be turned loose, or allowed to run at large, or removed or permitted to escape, but shall be held subject to the order of the veterinary surgeon. Any person failing to comply with this provision shall be deemed guilty of a misdemeanor; and, upon conviction, shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars for each

offense, and shall be liable for any damage and loss that may be sustained by any person or persons by reason of the failure of such owner or agent to comply with the provisions of this section; provided, that the owner of horses, mules or asses, ridden under the saddle or driven in harness into this Territory, or the owner of oxen driven into this Territory under the yoke, and any person coming into this Territory with his own team or teams, shall not be required to notify the territorial veterinary surgeon, or await the inspection of such work-oxen, team, or teams, but he shall be liable for all loss or damage to any person or persons from or by reason of any contagious or infectious disease brought into the Territory by his animals; and no cattle, horses, mules or asses, shall be held in quarantine in this Territory for a longer period than ninety (90) days, unless contagious or infectious disease be found to exist among them.

SEC. 3. In all cases of contagious or infectious disease among domestic animals or Texas cattle in this Territory, the veterinatry surgeon shall have authority to order the quarantine of the infected premises, and in case such disease shall become epidemic in any locality in this Territory, the territorial veterinary surgeon shall immediately notify the governor of the Territory, who shall thereupon issue his proclamation forbidding any animal of the kind among which said epidemic exists to be transferred from said locality without a certificate from the veterinary surgeon showing such animal to be healthy. The expenses of holding, feeding, and taking care of all animals, quarantined under the provisions of this act, shall be paid by the owner, agent or person in charge of said stock.

SEC. 4. In case of any epidemic diseases where premises have been previously quarantined by the veterinary surgeon as before provided, he is further authorized and empowered, when in his judgment necessary, to order the slaughter of any and all diseased animals upon said premises and of all animals that have been exposed to contagion or infection, under the following restrictions: Said order shall be a written one and shall be made in duplicate, and there shall be a distinct order and duplicate for each owner of the animals condemned, the original of each order to be filed by the veterinary surgeon with the governor of the Territory and the duplicate given to said owner. And further, before slaughtering any animal or animals that have been exposed only and do not show disease, the veterinary surgeon shall call in consultation with him two respectable practicing veterinarians or physicians, residents of the Territory, or, if this is impossible, then two reputable and well known freeholders, residents of the Territory, and shall have written indorsements upon his order of at least one of said consulting physicians or stock owners, stating that said action is necessary, before such animal or animals shall be slaughtered.

SEC. 5. Whenever, as herein provided, the veterinary surgeon shall order the slaughter of one or more animals, he shall, at the time of making such order, notify in writing, the nearest available justice of the peace, who shall thereupon summon three disinterested citizens, who shall be freeholders of the neighborhood, to act as appraisers of the value of such animals. Said appraisers, before entering upon the discharge of their duties, shall be sworn to make a true and faithful appraisment, without prejudice or favor. They shall, after making their appraisement, return certified copies of their valuation, a separate one being made for each owner, together with an accurate description of each animal slaughtered (giving all brands, ear marks, wattles, age, sex and class, as to whether American, half-breed or Texas) to the justice of the peace by whom they were summoned, who shall, after entering the same upon his record and making an endorsement upon each, showing it to have been properly recorded, return it, together with the duplicate order, of the veterinary surgeon, to the person or persons owning the animals slaughtered; and it shall be the duty of the veterinary surgeon to superintend the slaughter of such animals as may be condemed and also the destruction of the carcass, which latter shall be by burning to ashes, or burying the same, which burial shall not be less than six feet under the ground and shall include every part of the animal, including excrement, as far as possible, and the hide shall be so cut and scarified as to be useless. He shall cause the said slaughter, burning or burial to be done as cheaply as practicable.

SEC. 6. The veterinary surgeon shall make a report, at the end of every year, to the governor, of all matters connected with his work, and the governor shall transmit to the several boards of county commissioners such parts of said report as may be of general interest to the breeders of live stock. The governor shall also give information, in writing, as soon as he obtains it, to the various boards of county commissioners, of each cause of suspicion or fresh eruption of disease, in each locality, its cause and the measures adopted to check it.

SEC. 7. Whenever the governor of the Territory shall have good reason to believe that any disease covered by this act has become epidemic in certain localities in another state or territory or foreign country, or that conditions exist which render domestic animals and Texas cattle liable to convey disease, he shall thereupon, by proclamation, schedule such localities and prohibit the importation from them of any live stock of the kind diseased into this Territory, except under such restrictiction as he, after consultation with the territorial veterinary surgeon, may deem proper. Any corporation or any person or persons who, after the publication of such proclamation, shall knowingly receive in charge any such animal or animals from any one of said prohibited districts and transport or convey the same within the limits of this Territory, shall be deemed guilty of a misdemeanor, and upon conviction, be fined not less than $1,000 and not more than $10,000 for each and every offense, and shall further become liable for any and all damages and loss that may be sustained by any person or persons by reason of the importation or transportation of such prohibited animals.

SEC. 8. It shall be the duty of any person or persons who shall have or suspect that there is upon his or their premises, or upon the public domain, any case of contagious or infectious disease among domestic animals or Texas cattle, to immediately report the same to the territorial veterinary surgeon, and a failure so to do, or attempt to conceal the existence of such diseases, or to wilfully or maliciously obstruct or resist the said territorial veterinary surgeon in the discharge of his duty as hereinbefore set forth, shall be deemed a misdemeanor, and any person or persons who shall be convicted of any one of the above acts or omissions shall be fined not less than $50 nor more than $500, for each and every such offense, and shall forfeit all claims to indemnity for loss from the Territory; and upon conviction a second time, shall in addition to the above named fine, be imprisoned in the county jail for a term not less than thirty days nor more than six months.

SEC. 9. The following regulations shall be observed in all cases of disease covered by this act:

1. It shall be unlawful to sell, give away, or in any manner part with, any animal affected with, or suspected of being affected with, contagious or infectious disease; and in case of any animal that may be known to have been affected with or exposed to any such disease, within one year prior to such disposal, due notice of the fact shall be given in writing to the party receiving the animal.

2. It shall be unlawful to kill for butcher purposes any such animal, to sell, give away, or use any part of it, or its milk, or to remove any part of the skin. A failure to observe these provisions shall be deemed a misdemeanor; and, on conviction, shall be punished by a fine not less than $100, nor exceeding $500. It shall be the duty of the owner or person having in charge any animal affected with, or suspected of being affected with, any contagious or infectious disease, to immediately confine the same in a safe place, isolated from other animals, and with all necessary restrictions to prevent dissemination of the disease, until the arrival of the veterinary surgeon. The above regulations shall apply as well to animals in transit through the Territory as to those resident therein; and the veterinary surgeon, or his duly authorized agent, shall have full authority to examine, whether in cars, yards, or pastures, or stables, or upon the public domain, all animals passing through the Territory, or any part of it, and on detection or suspicion of disease, take possession of and treat and dispose of animals in the said manner as is prescribed for animals resident in the Territory

SEC. 10. All claims against the Territory arising from the slaughter of animals under the provisions of this act, shall, together with the order of the veterinary surgeon, and the valuation of the appraisers, in each case be submitted to the governor, who shall examine them without unnecessary delay, and for each one that he finds to be equitable and entitled to indemnity under this act, shall issue his warrant on the stock indemnity fund in the hands of the territorial treasurer for the sum named in the appraisers' report to the person so entitled thereto. In auditing any claim under this act it shall be the duty of the governor to satisfy himself that it does not come under any class for which indemnity is refused by this act, and he shall require the affidavit of the claimant to this fact, or if the claimant be not cognizant thereof, then of some reputable person who is cognizant therefore, and also the affidavit of the veterinary surgeon, whose duty it shall be to inform himself fully of the facts, that in his opinion the claim is legal and just, and the governor may at his discretion require further proof.

SEC. 11. It shall be the duty of any person or persons, owning or having in their possession any bovine affected with any of the following diseases, viz.: Rinderpest, foot and mouth disease, pleuro-pneumonia, anthrax or Texas fever, or any equine affected with glanders, to immediately destroy the same by burning to ashes or burying the same which burial shall not be less than six feet under the ground and shall include every part of the animal and the hide shall be so cut and scarified as to be useless. Any person or persons, who shall fail or neglect to comply with this provision, shall be guilty of a misdemeanor, and shall be punished by a fine not less than $100 nor more than $1,000, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and the owner or owners of such diseased animal or animals shall further be liable for any or all damages and loss that may be sustained by any person by reason of failing to comply with the foregoing provisions.

SEC. 12. The right to indeminity under this act is limited to animals destroyed by reason of the suspected existence of some epizootic disease, generally fatal and incurable, such as rinderpest, hoof and mouth disease, pleuro pneumonia, anthrax, or Texas fever, among bovines, and glanders among horses.

SEC. 13. The indemnity granted shall be the ordinary value of the animal, as determined by the appraisers without reference to its diminished value caused by the suspected existence of disease or by having been exposed to any of the contagious diseases last above enumerated. It shall be paid to the owner upon his application and the presentation of the proofs prescribed herein; and it shall be the duty of said owner to make such application within six months after the slaughter of the animal for which payment is claimed, finding which, such claim shall be barred by limitation. Such payment shall be made by the territorial treasurer, as herein provided, and from the fund provided by this act: provided, however, that no bovine shall be appraised for a higher value than $50, except registered pedigreed animals, which shall not be valued to exceed $150. No equines shall be appraised for a higher value than $100, except registered pedigreed animals, which shall not be valued to exceed $300.

SEC. 14. The right to indemnity shall not exist, and payment of such shall not be made in the following cases:

1. For animals belonging to the United States.
2. For animals that are brought into the Territory contrary to the provisions of this act.
3. For animals that are found to be diseased, or that are destroyed because they have been exposed to disease, before or at the time of their arrival in the Territory, or for animals that have been shipped into the Territory, from any infectious or quarantined locality.
4. When any animal was previously affected by any other disease, which, from its nature or development, was incurable or necessarily fatal.
5. When the owner or person in charge shall have knowingly or negligently omitted to comply with the provisions of sections 8 and 9 of this act.
6. When the owner or claimant at the time of coming into possession of the animal knew it to be diseased, or received the notice specified in the first clause of section 9 of this act.
7. When the animal or animals have been brought into the Territory within 90 days immediately preceding the outbreak of disease among or upon them.

SEC. 15. The veterinary surgeon shall receive for his services the sum of $2,000 per annum, together with his necessary traveling expenses, actually paid out when in performance of his duty. These payments shall be made from any funds in the territorial treasury not otherwise appropriated, upon itemized vouchers signed and sworn to by him, and submitted to the territorial auditor, who shall draw warrants upon the territorial treasurer for the amounts if found correct, separate vouchers being made for salary and expenses. No person shall be competent under this act to receive the appointment of veterinary surgeon who is not at the date of his appointment a graduate in good standing of a recognized college of veterinary surgeons and of not less than five years actual practice. He shall hold his office for two years; he may be removed for cause by the governor, who shall also have power to fill the vacancy as hereinbefore provided. The appraisers herein provided for shall each receive three dollars for each day or part of a day they may be actually employed as such, which shall be paid from the territorial treasury, out of the stock indemnity fund hereinafter provided, upon vouchers which bear the certificate of the justice who summoned them. The justice of the peace shall receive for his services the fees provided by law for similar services, to be paid out of the county general fund. The veterinarians, physicians or freeholders called in consultation by the veterinary surgeon shall each receive three dollars for each day or part of a day they may be actually so employed, and five cents per mileage for distances necessarily traveled, which sums shall be paid from the territorial treasury out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by the veterinary surgeon, and other incidental expenses connected with his work, and made his duty by this act, such as causing animals to be slaughtered, and their carcasses to be burned or buried, and disinfecting infected premises, shall be paid from the territorial treasury out of the stock indemnity fund hereinafter provided for, upon vouchers certified to by him under oath. Before entering upon the discharge of his duties he shall give a bond to the Territory of Dakota, with good and sufficient surety, in the sum of ten thousand dollars, conditioned for the proper discharge of the same. No constructive mileage shall be paid under this act, nor shall the veterinary surgeon receive any mileage.

SEC. 16. The liability of the Territory for indemnity for animals destroyed and for fees, costs and expenses incurred under the provisions of this act, in any year, is limited by, and shall in no case exceed the amount especially apropriated for that purpose and for that period, by the terms of this act; nor shall the veterinary surgeon or any one else incur any liability on the part of the Territory under the provisions of this act, in excess of the surplus in the stock indemnity fund hereinafter provided; nor shall any act be performed or property taken, under the provisions of this act, that will become a charge against the Territory of Montana further than to the extent provided by said stock indemnity fund. And there is hereby annually appropriated out of the general funds of the Territory not otherwise appropriated, a sum equal to one fourth of a mill on the dollar of the assessed value of all property in this Territory upon which taxes are paid, said fuud to be known as the "stock indemnity fund."

SEC. 17. The veterinary surgeon shall select the place or places where stock shall be quarantined.

SEC. 18. All fines collected under the provisions of this act shall be paid into the territorial treasury and placed to the credit of the "stock indemnity fund."

SEC, 19. The veterinary surgeon shall have the power to appoint from time to time, by and with the consent and approval of the governor, deputies, not exceeding two in number, at any time he cannot personally attend to all the duties required by his office, at a salary not to exceed $5 per day for each day actually employed, to be paid out of said stock indemnity fund, and shall designate the county or counties for which each deputy is to act. All acts performed by such deputies shall have the same effect as if done by the territorial veterinary surgeon.

SEC. 20. No diseased animals shall be slaughtered or destroyed, under the provisions of this act, at the expense of the territory, unless the owner or person in charge of such animals shall neglect or refuse so to do, promptly, when ordered by the veterinary surgeon or his deputy. And in all cases where any expense has been incurred by the territory, in the slaughter or destruction of animals actually diseased, under this act, the owner of the animal or animals shall pay the territory for all expenses thus incurred, and it shall be the duty of the attorney general to bring suit against such person, to recover the amount so expended by the territory.

SEC. 21. It is hereby made the duty of the attorney general, or district attorney of the respective counties, to prosecute any case complained of for prosecution, in any justice or district court within the jurisdiction of which any violation of this act may have been had, and on conviction of violating any of the provisions of this act, the court may award, in addition to the penalties prescribed by law, and add to the judgement such attorney's fees and costs of prosecution as the court may determine just in the premises.

SEC. 22. This act shall take effect and be in force from and after its passage and approval.

A BILL

For an Act to Prevent the Spread of Contagious Diseases Among Sheep.

Be it Enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That the owner or the person in charge of, any sheep, which are now, or shall hereafter be, affected with the scab, or any infectious or contagious disease, shall keep the said sheep securely within some enclosure, or shall herd them at a distance of not less than six miles from all farms, corrals, sheds or other established headquarters, where sheep are kept or are being herded; provided, that any person owning sheep affected with the scab. or any infectious or contagious disease, who prior to the passage of this act established headquarters, shall be allowed to range such sheep upon the public domain within six miles in any direction of such established headquarters; provided, further, that such sheep shall not be allowed to range within three miles of any other headquarters, unless the other headquarters be less than six miles distant, in in which case such sheep shall not be herded nearer to the other headquarters than a distance equal to one-half the distance between the two headquarters.

SEC. 2. It shall be unlawful for any person or persons owning sheep affected with the scab, or any infectious or contagious disease, to drive, or permit the same to be driven, upon any public highway, or within the distance of one mile of any such highway, or within six miles of any farm, corral, shed or other established headquarters where sheep are kept or being herded.

SEC. 3. Any person owning sheep, or anyone in his employ, shall have the right to examine any band of sheep that shall be driven within six miles of his headquarters, and any person or persons in charge of such sheep shall stop them and allow them to be examined and shall render the necessary assistance in catching and examining them. If the person so in charge of such sheep refuse to render the assistance as above required, he shall be punished as hereinafter provided.

SEC. 4. Any person who shall carry, or drive or cause to be carried or driven, one or more sheep affected with the scab. or any infectious or contagious disease, into a herd of sheep belonging to another person, or shall carry or cause to be carried, the "parasite" which causes such scab or disease and place it where another person is corralling or herding sheep, so that such sheep may become affected thereby, shall be adjudged guilty of a felony, and upon conviction thereof, shall be confined in the territorial prison not less than five years nor more than ten years and be fined in any sum not less than $1,000.

SEC. 5. Any person who shall be convicted of the violation of the provisions of this act, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $100 nor more than $600.

SEC. 6. Any person violating any of the provisions of this act shall be liable in damages, to any person or persons injured thereby, dirictly or indirectly to be recovered in a civil action in any court of competent jurisdiction.

SEC. 7. This act shall take effect and be in force from and after its passage and approval.

The first proposed act contains the best features of House Bill No. 71, known as the Ely bill, together with many other important provisions; among which are the following:

First. The veterinary surgeon is made a territorial officer, appointed by the Governor with the advice and consent of the Council.

Second. A salary is provided for said officer in lieu of a per diem. He is also authorized, with the consent of the Governor, to appoint not exceeding two deputies who shall be allowed a sum not exceeding five dollars per day when actually and necessarily employed.

Third. The veterinary surgeon is to inspect all domestic animals which may be brought into this Territory from or through any state, territory or foreign country declared by the Governor to be in quarantine; and it is made the duty of the owner or person having in charge any such domestic animals from infected districts to notify the veterinary surgeon of the arrival of such stock and they shall not leave the place of arrival until they have been examined by said surgeon, and his certificate received, that they are free from disease; but the provisions of this act shall not apply to horses or oxen driven into this Territory by immigrants or travelers.

Fourth. The expense of holding and feeding animals quarantined shall be paid by the owner.

Fifth. It is made the duty of any person who shall have or suspect that there is on his premises or upon the public domain any case of contagious or infectious disease among domestic animals to report the same immediately to the veterinary surgeon. Failure to report or any attempt to conceal the existence of such disease is made a misdemeanor.

Sixth. It is made unlawful to sell, give away or in any manner part with any animal affected with or suspected of being affected with any contagious disease.

Seventh. The owner or person having in their possession any bovine or equine affected with any of the diseases enumerated in this act shall destroy the same by burning to ashes or burying. Failure to comply with these provisions is made a misdemeanor, and the owner is liable for damages to any party injured by such diseased animals.

Eighth. The right to indemnity, under this act, is limited to animals destroyed by reason of the suspected existence of fatal disease. (No compensation shall be given for animals affected with said fatal diseases.)

Ninth. Subdivisions 6 and 7 of section 14 have been added as additional limitations upon the right of recovery of damages for the destruction of animals under the provisions of said act.

Tenth. No diseased animal shall be slaughtered or destroyed at the expense of the Territory, unless the owner refuses to do so, in which case the Territory may destroy the animal and recover the expense incurred therein from the owner.

The Legislative Committee and the Stock Growers' Association of Montana propose to recommend to the Legislature of that Territory such changes in their laws as will conform to the provisions of the bills herewith presented.

The suggestion of the conference as proposed by our legislature was received with great favor by the authorities of Montana. They entered cheerfully into the consideration of all subjects relating to the cattle interests of Dakota, gave us the benefit of their long experience in these matters, and readily laid before us papers and documents which proved to be invaluable to us in our deliberations.

Your Committee cannot close this report without acknowledging their deep indebtedness to the Legislative Committee of the Montana Legislature, to the Stock Growers' Association, to the Board of Stock Commissioners, and the people of Helena generally for the cordiality with which we were received, and for the kindness extended us during our sojourn in their thriving and beautiful mountain city.

All of which is respectfully submitted.

ALEXANDER HUGHES, FRANK J. WASHABAUGH, F. GREENE, J. H. FLETCHER, JOHN A. ELY.	Committee.

Mr. McDonell moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-FIRST DAY.

BISMARCK, March 2, 1887.

The House assembled at 2 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Elliott, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of March 1, 1887, and find the same correct as printed except on page 11 in the title of House Bill No. 190, second line thereof, the word "rending" should be substituted for the word "reading." With this correction we recommend the approval of the Journal.

D. W. ENSIGN,
J. G. HAMILTON.

Which report was adopted and the Journal of the preceding day was adopted.

PETITIONS AND COMMUNICATIONS.

Mr. Cooper presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned legal voters of Codington county, petition you to amend the laws of Dakota so that county assessors can be voted for by only those legal voters outside of corporate towns having city assessors.

FRANK CRANE,
and 110 others.

Mr. Williams of Grant, presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned, respectfully petition your honorable body to devise some way, by loan or otherwise, to assist sufferers from hail and drouth in procuring the necessary seed to put in their crops this season.

FRED P. TERRIN,
and 110 others.

Also, the following:

At a regular meeting of the board of county commissioners of Roberts county, held at the county seat on the 16th day of February, 1887, upon motion of Commissioner Webb, seconded by Commissioner Mireau, the following memorial to the Legislature of the Territory of Dakota was adopted:

WHEREAS, The hail storms of July 8, 1886, and subsequent storms, destroyed a large amount of grain in Roberts county, Dak.; and,

WHEREAS, That part of said county principally affected by said storms was inhabited generally by new settlers, in number about 250 families of limited means, who, by the loss of their crops were so impoverished as in many cases to necessitate assistance of the county to supply them through the winter with the necessaries of life; and,

WHEREAS, Said settlers are generally without the means of procuring seed wheat with which to crop their land for the season of 1887; and,

WHEREAS, Unless assistance in this respect is rendered, many thousand acres of land in said county cannot be cultivated during said year, and many settlers will neceesarily remain in an impoverished condition, and in many instances will be compelled to remove from said county; and,

WHEREAS, The said county is small, and burdened with a large debt, and said county is by reason thereof unable, if legally empowered to render such assistance as is necessary in the premises; therefore, be it

Resolved, That we, the commissioners of said Roberts county, implore at the hands of the Legislature of the Territory of Dakota, such adequate assistance in the premises as to them shall seem proper and necessary.

[Signed],

E. G. MERRIAM, Chairman,
JACOB WEBB,
MOSES MIREAU.
} Commissioners.

Attest:
DAVID EASTMAN, Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:

Your Committee on Public Health have the honor to report that they have examined

Amended House Bill No. 7 (House Bill No. 301),

As reported by the joint committee appointed to confer with the authorities of Montana, and recommend that it be made a special order for to-day at 5 o'clock.

D. W. ENSIGN,
Chairman.

Mr. Stewart of Fall River, moved

That the report of the Committee on Public Health be adopted,

Which motion prevailed.

MR. SPEAKER:

Your Committee on Townships and Cities, to whom was referred

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

And

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundaries of wards,

And

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled "an act to provide for the organization of civil townships, and the government of the same."

Beg leave to report that they have had the same under consideration, and do report as follows:

House Bill No. 276.

We recommend the words "either general or special" be inserted in second line of section 7 of the written bill, after the words "acts," and that as so amended the bill do pass.

That

House Bill No. 255,

Be amended by striking out of section 1 commencing with the word "the" in line seventeen (written bill) all the remainder of the section.

Amend section 2 by inserting the words "of all the members-elect" after the word "vote" in the fourth line of said section (written bill).

Amend all of section 4 by striking out all of said section after the word "necessitates" in the third line of said section.

Amend section 5 by inserting the word "ten" before the word "days" in line one.

Add section 6 as follows: "All acts and parts of acts, either general or special, in conflict with this act are hereby repealed."

Make section 7: "This act shall take effect and be in force from and after its passage and approval."

And as so amended the bill do pass.

That

Council Bill No. 215,

A bill for an act to amend section 49 of sub-chapter 112 of the General Laws of 1883, entitled "an act to provide for the organization of civil townships, and the government of the same."

And we recommend the same do pass.

E. W. Terrill,
Chairman.

Mr. Speaker:

The Committee on Warehouses and Grain to whom was referred

House Bill No. 67,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies, Return the same with the following amendments:

After the word "supply" in fourth line of section 1 insert the following words: "Then the cars delivered at such station each day," and strike out in said fourth line the words "they" and "each day" as printed.

In section 2, line two, strike out the word "demanded" and insert in its place the word "delivered."

To section 2 as thus amended add the following:

"Such damages as such person or company shall have sustained by reason of any failure or neglect of such railroad company to supply to such person or company his or its equal share of cars, and the person or company claiming such damages may institute action and recover therefor in any court of competent jurisdiction within this Territory. Provided, however, that no action for such damages shall be sustained unless the person or company claiming such damages shall have within sixty days after the occurring of such damages, and at least twenty days prior to the commencement of any such action, served a written notice of his or its said claim for damages, stating the amount thereof, upon such railroad company, or upon its authorized and acting agent."

Strike out all of section 3.

And as thus amended we recommend that the bill do pass.

M. H. COOPER,
Chairman.

The Committee on Penal Institutions to whom
House Bill No. 244,
A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota.

Was referred, report the same back and recommend its passage.

J. W. BURNHAM,
Chairman.

MR. SPEAKER:

Your committee to whom was referred
House Bill No. 277,
A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

Respectfully beg leave to report consideration of the same and recommend that the bill do pass.

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

The Committee on Temperance to whom was referred certain bills beg leave to report as follows:

House Bill No. 47,

Would recommend that it do not pass.

House Bill No. 282,

Would recommend that it do pass with the following amendment: After the word "in," in the fifteenth line, and before the word "shall," in the sixteenth line, strike out the words and insert the following: "any said shop or saloon."

House Bill No. 249,

Recommend that it do pass.

House Bill No. 97,

Would recommend that it do not pass.

House Bill No. 234,

Would recommend that it do pass as amended by the Judiciary Committee.

House Bill No 220,

Would recommend that it do pass.

All of which is respectfully submitted.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

Your Committe on Territorial Affairs, to whom was referred

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of drought, hail and wind storms of the vear 1886 in the several counties of the Territory of Dakota,

Refer the same back with the recommendation that it do pass.

Also,

House Bill No. 237,

A bill for an act to amend chapter 113 of the General Laws of 1881, entitled "Exemptions for timber culture,"

Which we recommend do not pass.

Also.

Council Bill No. 165,

A memorial to Congress asking for the appointment of a commisisoner to select school lands,

Which we recommend do pass.

Also.

House Bill No. 188,

Which we return herewith without recommendation.

Also,

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Which we recommend do pass.

Also,

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oil,

And recommend that the bill be amended as follows:

That 110 be substituted for 130 where it occurs in line 30, section 2, and line 5 section 7, also of the printed bill. And wherever the word "gasoline" occurs in said bill be stricken out, and the words "or gasoline" be stricken out where it occurs in said bill.

Also, strike out after the word "purposes" line 32 section 2, all of line 32 to the word "provided" in line 33.

Also, strike out in section 7 line 5, "or for any other reason."

And we recommed that the bill do pass as so amended.

Mr. Williams, Terrill, and Moore objecting, and gave notice of making a minority report,

DONALD STEWART,
Chairman.

MINORITY REPORTS.

The following minority reports were presented:

MR. SPEAKER.

The undersigned, members of the Committee on Territorial Affairs, submit the following minority report, and do not concur with the majority of said committee, recommending that

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasoline manufactured from petroleum or coal oil,

Do pass; but think that said bill as amended should not pass for the following reasons:

1. The undersigned place as an estimate that there would be nearly 200,000 barrels of illuminating oils tested next year under this law, which, with a fee of 20 cents per barrel, as provided in said bill, would make an additional cost to the consumers to bear of nearly $40,000.

2. That the manner of testing the oil as provided in said bill, as amended, we consider to be a test of which we know nothing about. We believe that the only true test is a "gravity" test, which, we understand, is the only test used by manufacturers of refined petroleum for illuminating purposes.

3. The test proposed in Council Bill No. 78 is a test of which the agent of the Standard Oil company advocates and secured the use of as provided in said bill, and being advocated by such corporation is, in the minds of the minority, a good reason why the same should not be adopted, as the said Standard Oil company really control the whole production of refined oils, and no good reasons are shown that the test proposed would not be more in the interest of the refiners of these oils than a protection to the consumers thereof.

4. The undersigned believe there should be some law to protect the consumers of illuminating oils against inferior and low test oils, but believe that the appointment of an inspector who would be entitled by this bill to such an enormous salary would hardly secure to the people (the consumers of these oils) the protection they are asking for.

5. For these reasons, Mr. Speaker, we recommend for your favorable consideration that Council Bill No. 78 do not pass.

CHAS. B. WILLIAMS,
JAMES M. MOORE,
E. W. TERRILL.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report.

The committee recommend the passage of the following bills.

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

House Bill No. 281,

An act to legalize the acts of Allen M. Chaney as notary public.

House Bill No. 278,

An act legalizing the acts of A. L. Bain as notary public.

They return herewith

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

And recommend that it be referred to the Committee on Education.

They also return

House Bill No. 263,

A bill for an act providing for the condemnation of lands adjoining side tracks of railroads for the purpose of building and operating a warehouse or elevator thereon,

And recommend that said bill be referred to the Committee on Warehouses, Grain, trading, etc.

They submit herewith a substitute for the several bills relating to fees of county offices, and recommend that the substitute bill do pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The undersigned minority of the Judiciary Committee, to which was referred House Bill No. 192 and other bills effecting the salaries of county officers, recommend that the substitute bill, prepared in said committee and recommended favorably by the majority of said committee, do not pass for the following reasons:

1. The maximum salary of $2,000 for the county treasurers and registers of deeds in the various counties is, in many cases, inconsistent with the obligations and responsibilities of the said officers.

2. Until the bill by which the treasurers are required to deposit county funds in banks (whereby their bondsmen are released from responsibility) becomes a law, the sweeping reduction in the remuneration of treasurers in the large counties would render it difficult to secure competent and financially responsible treasurers.

We therefore recommend that the maximum salary of county treasurers and registers of deeds be fixed at not less than $3.000.

All of which is respectfully submitted.

F. H. ADAMS,
A. J. PRUITT,
J. SCHNAIDT.

MR. SPEAKER:

The undersigned members of the Judiciary Committee approve the bill this day reported by a majority of said committee relating to the salary of certain county officers, except that we recommend that the last section of said bill be amended by substituting "1888" in lieu of "1889" in said section.

J. W. BURNHAM,
J. H. PATTEN.

MR. SPEAKER:

I respectfully ask that the accompanying bill relating to salaries of registers of deeds and county treasurers be substituted for the bill recommended by a majority of the Judiciary Committee.

A. A. HARKINS.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 241,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

In compliance with a resolution of the House calling for

House Bill No. 111,

A bill for an act to assess and tax railroads and railroad property,

I have the honor to return the same herewith to the House.

JOHN HOBART,
Chirman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 169,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Berry moved

That House Bill No. 111 be recalled from the Committee on Railroads,

The motion prevailed and

The bill was referred to general orders.

Mr. Pruitt moved

That the desk occupied by the assistant sergeant-at-arms be placed at the disposal and for the use of the engrossing clerks,

Which motion prevailed.

Mr. Gilbert moved

That House Bill No. 1 be made a special order of 5 o'clock to-day,

Which motion was lost.

Mr. Miltimore moved

That substitute for House Bill No. 145 be made a special order for March 4th, at 3 p. m., as the same has not been returned from the printer,

Which motion was lost.

Mr. White introduced the following resolution:

Resolved, That all committee clerks who are employed in doing engrossing work shall receive the same per diem as other engrossing clerks,

Which resolution was adopted.

Mr. McDonell moved

That rule 44 be strictly enforced, and that no lobbying be permitted on the floor of the House,

Which motion prevailed.

Mr. Cooper moved

That the sessions of this House hereafter begin at 1:30 p. m.

Mr. Hobart moved

To amend by inserting 10 o'clock a. m.

Which was lost, and

The original motion prevailed.

Mr. Sullivan moved

That Council Bill No. 67 be made a special order for to-morrow at 4 p. m.,

Which motion prevailed.

Mr. Shook moved

To suspend the rules and that all House and Council bills be read the second time by their title and referred to their appropriate committees,

Which motion prevailed.

Mr. Aikens moved

That House Bills Nos. 305 and 306 be made a special order for Thursday at 8 p. m.,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Judiciary Committee introduced—
House Bill No. 305,
A bill for an act regulating the salaries of registers of deeds and county treasurers,
Which was read the first and second times and
Referred to the Committee on Judiciary.

The Judiciary Committee introduced—
House Bill No. 306,
A bill for act regulating the salaries of registers of deeds and county treasurers and for other purposes,
Which was read the first and second times and
Referred to special orders.

Mr. Wolzmuth introduced—
House Bill No. 307,
A bill for an act for the relief of George W. Vanderbule and Henry J. Southwick,
Which was read the first and second time and
Referred to the Committee on Judiciary.

Mr. Williams of Grant introduced—
House Bill No. 308,
A memorial from the county commissioners of Roberts county, Dakota,
Which was read the first and second time and
Referred to the Committee on Railroads.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 2, 1887.

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 121,
A bill for an act to provide for the incorporation of cities.
Council Bill No. 117,
A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public library associations,
Council Bill No. 198,
A bill for an act authorizing the incorporation of banking associations and for regulating the same,

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota reform school at Plankington, Dakota, and for other purposes,

And to return herewith

House Bill No. 200,

A bill for an act to repeal section 14 of article 11 of Special and Private Laws of the Territory of Dakota, entitled "An act incorporating the city of Mayville, Traill county, Dakota," approved March 13, 1885,

Which have been passed unchanged, and

House Bill No. 112,

A bill for an act to provide for the cancellation and forfeiture of insurance policies,

Which has been amended by inserting after the word "policies," in line thirteen, the following: "as adopted and maintained by the Minnesota and Dakota Fire Underwriters union of St. Paul, Minnesota," and striking out the words "now maintained among insurance companies" following, and as amended, passed.

And I include

Council Bill No. 4,

A bill for an act providing the mode for listing, assessing and the levy and collection of taxes, and for other purposes,

And ask your concurrence in the amendment to House Bill No. 112, and your favorable consideration of the Council bills transmitted.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Aikens moved

That the House concur in Council amendment to House Bill No. 112,

Which motion prevailed.

Mr. Wise, by unanimous consent, introduced—

House Bill No. 309,

A bill for an act to regulate rates of fare for passengers upon all railroads operating in the Territory of Dakota,

Which was read the first and second time and

Referred to the Committee on Railroads.

Mr. Burnham, by unanimous consent, introduced—

House Bill No. 310,

A joint resolution prescribing the additional duties of the assistant clerk of the House and Council and prescribing compensation therefor,

Which was read the first and second time and

Referred to the Committee on Appropriations.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota reform school at Plankington, Dakota, and for other purposes,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 117,

A bill for an act to authorize incorporated cities in the Territory of Dakota to raise funds by taxation for the purpose of aiding and maintaining public libraries,

Was read the first and second time and

Referred to the Committee on Education.

Council Bill No. 267,

A bill for an act entitled "an act to provide for the appointment of a county clerk for Yankton county and to define his duties,"

Was read the first and second time and

Referred to the Committee on Counties.

Council Bill No. 198,

A bill for an act authorizing the incorporation of banking associations, and for regulating the same,

Was read the first and second time and

Referred to the Committee on Banking.

Council Bill No. 4,

A bill for an act prescribing the mode for listing, assessing and the levy and collection of taxes, and for other purposes,

Was read the first and second time ordered printed, and

Referred to the Committee on Judiciary.

Council Bill No. 121,

A bill for an act to provide for the incorporation of cities,

Was read the first and second time and

Referred to the Committee on Cities and Towns.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 165,

A memorial to congress asking for the appointment of a commission to select school lands,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 41; nays, none; not voting, 7,

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Ely, Fletcher, McDonell, Moore, Shook.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 18; nays. 25; not voting, 5.

Those who voted in the affimative were:

Messrs. Adams, Bidlake, Cooper. Ensign, Fellows, Glendenning, Greene, Hubbard, Mallory, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Burnham, Cook, Dodds, Dutch, Fletcher, Gilbert, Harkins, Hawk, Hobart, Jones, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sullivan, Ward, White, Wolzmuth.

Absent and not voting:

Messrs. Ely, McDonell, Moore, Shook.

Mr. Elliott being excused.

And so the bill was lost.

Mr. Aikens moved

To reconsider the vote by which Council Bill No. 184 was lost upon its final passage, and that said bill be committed to the Judiciary Committee,

Which motion prevailed.

Council Bill No. 215.

A bill for an act to amend section 49 of sub-chapter 112 of the General Laws of 1883, entitled "an act to provide for the organization of civil townships and the government of the same,"

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 40; nays, 2; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Fellows, Fletcher, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ensign, Jones.

Absent and not voting:

Messrs. Cook, Ely, Gilbert, Moore, Pruitt, Williams of Burleigh.

Mr. Elliott being excused.

So the bill passed, and

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 273,

A memorial to congress praying for the construction of a dam for the improvement of navigation on the Red River,

Was read the second time and

Referred to the Committee on Territorial affairs.

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations.
Was read the second time and
Referred to the Committee on Railroads.

House Bill No. 289,
A bill for an act to legalize assessment rolls,
Was read ths second time and
Referred to the Committee on Ways and Means.

House Bill No. 290,
A bill for an act to amend an act entitled "an act to provide for the levy and collection of taxes upon the property of railroads in this Territory," approved March 9, 1883,
Was read the second time and
Referred to the Committee on Railroads.

House Bill No. 294,
A bill for an act relating to the insurance of public buildings of the Territory of Dakota,
Was read the second time and
Referred to the Committee on Insurance.

House Bill No. 299,
A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes,
Was read the second time and
Referred to the Committee on Towns and Cities.

House Bill No. 303,
A bill for an act entitled "an act requiring certain orders, judgments and decrees in probate courts to be recorded."
Was read the second time and
Referred to the Committee on Judiciary.

House Bill No. 304,
A bill for an act authorizing the territorial treasurer to purchase time lock safe for use of the office of the territorial treasurer,
Was read the second time
Referred to the Committee on Public Buildings.

THIRD READING OF HOUSE BILLS.

House Bill No. 97,
A bill for an act to amend section 2 of chapter 35 of the Political Code of Dakota,
Was read the third time and placed on its final passage.

Mr. Mallory moved

That the further consideration of House Bill No. 97 be indefinitely postponed,

Which motion prevailed.

House Bill No. 220,

A bill for an act to amend section 10, chapter 26, General Laws of 1879, relating to sale of intoxicating liquors,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 20; nays, 22; not voting, 6.

Those who voted in the affirmative were:

Messrs. Berry, Burnham, Cook, Cooper, Dodds, Dutch, Fletcher, Glendenning, Harkins, Hubbard, Mallory, Patten of Miner, Pruitt, Sprague, Terrill, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Ely, Ensign, Fellows, Greene, Hawk, Jones, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Adams, Gilbert, Hobart, Moore, Royer.

Mr. Elliott, being excused.

So the bill was lost.

House Bill No. 234,

An act to amend section 13 of chapter 35 of the political Code of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, 1; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Ruggles.

Absent and not voting:
Messrs. Ensign, Fellows, Greene, Hobart, McDonell, Mentzer, Pruitt.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 47,
A bill for an act to prevent drunkenness,
Was read the third time and placed upon its final passage.

Mr. Burnham moved
That further consideration of the bill be indefinitely postponed,
Which motion was lost.

The roll being called there were ayes, 25; nays, 21; not voting, 2.

Those who voted in the affirmative were:
Messrs. Aikens, Bidlake, Cooper, Dodds, Glendenning, Greene, Harkins, Mallory, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Berry, Burnham, Cook, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Hawk, Hobart, Hubbard, Jones, Mentzer, Miltimore, Royer, Terrill, Williams of Grant, Wise, Wolzmuth.

Absent and not voting:
Mr. McDonell.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

Mr. White moved
That the vote by which House Bill No. 47 was passed be reconsidered and that the motion to reconsider be laid upon the table,
Which motion prevailed.

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, 10; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Fletcher, Glendenning, Greene, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Burnham, Fellows, Gilbert, Hawk, Hubbard, Jones, Patton of Lawrence, Stewart of Walsh.

Absent and not voting:

Messrs. Ely, Ensign, Pruitt, Williams of Burleigh, White.

Mr. Elliott being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Was read the third time and placed upon its final passage.

Mr. White moved

That the further consideration of the bill be indefinitely postponed.

Ayes and nays demanded.

The roll being called there were, ayes, 17; nays, 28; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Dutch, Gilbert, Glendenning, Hobart, Jones, McDonell, Mentzer, Morris, Patton of Lawrence, Ruggles, Terrill, White, Wolzmuth.

Those who voted in the negative were:

Messrs. Bidlake, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Greene, Harkins, Hawk, Hubbard, Mallory, Miltimore, Moore, Patten of Miner, Pruitt, Royer, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Schnaidt and Sullivan.

Mr. Elliott being excused.

So the motion to indefinitely postpone was lost.

Mr. Williams of Burleigh, moved
The previous question,
Which motion prevailed.

The roll being called there were ayes. 22; nays, 17; not voting, 7; paired, 2.

Those who voted in the affirmative were:

Messrs. Bidlake, Cooper, Dodds, Ensign, Fellows, Fletcher, Hawk, Hubbard, Mallory, McDonell, Miltimore, Moore, Patten of Miner, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:
Messrs. Berry, Burnham, Cook, Dutch, Gilbert, Glendenning, Harkins, Hobart, Jones, Morris, Patton of Lawrence, Pruitt, Royer, Shook, Terrill, White, Wise, Wolzmuth, Wyman.

Absent and not voting:
Messrs. Aikens, Ely, Mentzer, Stewart of Fall River.

Mr. Elliott being excused.

Messrs. Adams, and Greene being paired.

So the bill passed, and
Its title was agreed to.

House Bill No. 244,
A bill for an act to establish a territorial board of corrections and charities for the Territory of Dakota,
Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 34; nays, 4; not voting, 10.
Those who voted in the affirmative were:
Messrs. Aikens, Bidlake. Burnham, Cook. Dodds, Dutch, Ely, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mallory, Mentzer, Miltimore, Mor-

ris, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Fletcher; Hubbard, Patton of Lawrence, Terrill.

Absent and not voting:

Messrs. Adams, Berry, Cooper, Ensign, McDonell, Moore, Pruitt, Royer, Stewart of Fall River.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

Mr. Williams of Burleigh, moved

To reconsider the vote by which House Bill No. 244 was passed and that the motion to reconsider be laid upon the table,

Which motion prevailed.

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain as notary public of the Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 39; nays, 1; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Sullivan.

Absent and not voting:

Messrs. Fellows, Greene, Hobart, Hubbard, Jones, McDonell, Shook.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 281,

A bill for an act to legalize the acts of Allen M. Chaney as notary public,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Ensign, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Sullivan.

Absent and not voting:

Messrs. Cook, Fellows, Fletcher, Greene, McDonell, Moore, Ruggles, Shook.

Mr. Elliott being excused.

So the bill passed, and

Its title was agreed to.

Mr. Aikens moved

That the vote by which House Bills Nos. 278 and 281 were passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 55 and 60,

And find the same correctly engrossed and enrolled,

A. J. PRUITT,
Chairman.

The speaker announced his signature to House Bills Nos. 55 and 60.

House Bill No. 237.

A bill for an act to amend chapter 113 of the General Laws of 1881,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 25; nays, 16; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Burnham, Cook, Dodds, Fletcher, Glendenning, Greene, Harkins, Mallory, McDonell, Miltimore, Moore, Patton of Lawrence, Royer, Ruggles, Sprague, Stewart of Fall River, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Cooper, Ely, Gilbert, Hawk, Hobart, Hubbard, Jones, Mentzer, Morris, Patten of Miner, Schnaidt, Stewart of Walsh, Sullivan, Terrill, Williams of Grant.

Absent and not voting:

Messrs. Bidlake, Dutch, Ensign, Fellows, Pruitt, Shook.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

The speaker announced his signature to Council Bills Nos. 107 and 126.

House Bill No. 249,

A bill for an act prohibiting the playing of games of chance in places where intoxicating, vinous or malt liquors are sold,

Was read the third time and placed upon its final passage.

Mr. Sullivan moved

It be referred to the Committee on Temperance and that it be made a special order for March 3, 1887.

Mr. Burnham moved

The previous question,

Which motion prevailed.

The roll being called, there were, ayes, 36; nays, 7; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Ely, Fellows, Gilbert, Hawk, Mentzer, Stewart of Walsh.

Absent and not voting:

Messrs. Ensign, Shook, Stewart of Fall River, Wolzmuth.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved

That the vote by which House Bill No. 249 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 267,

A bill for an act to provide seed grain to the sufferers of drouth, hail and wind storms of the year 1886 in the several counties of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 39; nays, 4; not voting, 5.

These who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Jones, Mentzer, Patton of Lawrence, Sullivan.

Absent and not voting.
Messrs. Aikens, Cooper, Ely, Schnaidt.

Mr. Elliott being excused.
And so the bill was passed and

Its title agreed to.

Mr. White moved

That the vote by which House Bill No. 267 was passed be reconsidered and that the motion to reconsider be laid on the table,

Which motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 4:30 p. m. of this day

House Bills Nos. 55 and 60 were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

House Bill No. 272,

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cooper, Dodds, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Cook, Dutch, Ely, Fletcher, Hobart, McDonell, Moore, Schnaidt, Terrill, White, Williams of Grant.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

Mr. Patten of Miner moved

To reconsider the vote by which House Bill No. 272 was passed, and that the motion to reconsider be laid upon the table.

Which motion prevailed,

Mr. Williams of Burleigh, moved

That the clerk be instructed to send a message to the

Council of all House and Council bills which have had their third reading and passed the House,

Which motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 35,

And find the same correctly engrossed.

A. J. Pruitt,
Chairman.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the House do now resolve into a committee of the whole to consider special orders,

Which motion prevailed and

The speaker called Mr. Ensign to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

Your committee have had under consideration
House Bill No. 301,

A bill for an act to suppress and prevent the spread of contagious diseases among domestic animals,

And recommend that the bill as reported by the joint committee of the Council and House be passed,

Except that in section 19 of line 3 "two" be stricken out and "five" inserted.

That in section 15, line 2 "$2,000" be stricken out and "$2,500" be inserted.

And as thus amended the bill do pass and be placed at once on its third reading and final passage.

Also,

House Bill No. 302,

A bill for an act to prevent the spread of contagious diseases among sheep,

And recommend that in line 1, section 4, after the word "shall" the word "knowingly" be inserted.

Also in 4th line of same section after "shall" insert the word "knowingly" and recommend the passage of the bill as amended and at once be placed on its third reading and final passage.

D. W. ENSIGN.
Chairman.

Mr. Williams, of Burleigh, moved

The adoption of the report of the committee,

Which motion prevailed.

House Bill No. 301,

A bill for an act to suppress and prevent the spread of contagious diseases among domestic animals.

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 38; nays, 2; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hobart and Patton of Lawrence.

Absent and not voting:

Messrs. Aikens, Cook, Dutch, Hubbard, McDonell, Patten of Miner, Royer.

Mr. Elliott being excused.

So the bill passed, and
Its title was agreed to.

Mr. Stewart of Fall River, moved

To reconsider the vote by which House Bill No. 301 was passed, and that the motion to reconsider be laid upon the table.

Which motion prevailed.

House Bill No. 302,

A bill for an act to prevent the spread of contagious diseases among sheep.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 34; nays, 4; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hubbard, Patton of Lawrence, Patten of Miner, Wolzmuth.

Absent and not voting:

Messrs. Adams, Bidlake, Dutch, Fellows, Hawk, Shook, Sullivan, White, Wyman.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

Mr. Stewart of Fall River, moved

To reconsider the vote by which House Bill No. 302 was passed, and that the motion to reconsider be laid upon the table,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Mentzer moved

That the House do now resolve itself into a committee of the whole to consider general orders.

Which motion prevailed, and
The speaker called Mr. Harkins to the chair.

When the committee rose the following report was submitted:

MR SPEAKER:

The committee of the whole have had under consideration

House Bill No. 150,

An act relating to agricultural societies and fairs and providing for reports for the same, together with the amendments proposed by the Committee on Agriculture,

And recommend that the bill be passed with the amendments made by the Committee on Agriculture, and that the bill be placed on its third reading and final passage.

A. A. HARKINS,
Chairman.

Mr. Hobart moved
To adopt the report of the committee.

Mr. Sullivan moved

To commit the bill to the Judiciary Committee.
Which motion was lost.

Mr. Sullivan moved
To adjourn,

Which motion was lost.

Mr. Stewart of Fall River, moved

That when the House adjourn it adjourn to meet tomorrow at 10 o'clock, a. m.,

Which motion was lost.

Mr. Hawk moved
To adjourn,
Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-SECOND DAY.

BISMARCK, March 3, 1887.

House assembled at 1:30 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Elliott, excused.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The committee to revise and correct the Journal have examined that of March 2, 1887, and find the same correct as printed except in the report of the committee to revise and correct the Journal the word "rending" should read "vending"; on page 2, after Fred P. Terrin, should read 198 others; on page 14, first reading of Council Bills, Council Bill No. 112 should be Council Bill No. 121; and on page 30 strike out the two first lines; and with these corrections we recommend the approval of the Journal.

C. J. MILTIMORE,
D. W. ENSIGN,
J. G. HAMILTON.

Which report was adopted and the Journal of the preceding day approved as corrected.

PETITIONS AND COMMUNICATIONS.

Mr Fletcher presented the following:

To the Honorable the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Warner, county of Brown, D. T., do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

GEO. WILKINS et al.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Townships and Cities, to whom was referred

House Bill No. 299,

A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes, and

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge fund.

Beg leave to report they have had the same under consideration and do report as follows:

We recommend the passage of

House Bill No. 299.

That Council Bill No. 213 be amended by striking out the words "and bridges" in the first and second lines of section 1; also the same words in the fifth line of section 1 of the written bill.

Also that the title of said bill be amended by striking out the words "and bridges" therein, and that the bill as so amended do pass.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means to whom was referred

House Bill No 289,

A bill for act to legalize assessment rolls,

Report that they have had the same under consideration and recommend that it do pass.

Also,

House Bill No. 279,

A bill for an act to amend section 2, chapter 28 of the Political Code, relating to exemption of property from taxation,

Report that they have had the same under consideration and recommend that it do not pass.

Also,

House Bill No. 232,

A bill for an act to regulate the assessment and collection of poll tax,

Report that they have had the same under consideration and recommend that it do not pass.

A. S. STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under consideration

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars ($75) to reimburse John Nagle, etc.,

And recommend that it do pass.

Also,

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota Reform School at Plankington, Dakota, and for other purposes,

And recommend that it do pass.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Judiciary Committee have had under consideration

House Bill No. 298,

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

And report it back to the House, and recommend that the bill do pass.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 200,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Sullivan moved

To amend the House resolution passed on January 21, 1887, by inserting after the words "bill clerk" the following: "whose compensation shall be $6 per day,"

Which motion prevailed.

Mr. Ward moved

That substitute for House Bill No. 196 be made a special order for Friday, March 4th, at 4 o'clock, p. m.

Which motion was lost.

Mr. Stewart of Fall River moved

That House Bill No. 204 be called from the Committee on Railroads and referred to general orders,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fellows introduced—

House Bill No. 311,

A bill for an act entitled an act to provide for the insurance of crops, against loss or damage by hail,

Which was read the first time.

Mr. Aikens by request introduced—

House Bill No. 312,

A bill for an act to amend section 1, chapter 41 of the General Laws of 1883.

Which was read the first time.

Mr. Aikens, by request, introduced—

House Bill No. 313,

A bill for an act to amend section 33 of chapter 28 of the Revised Codes of 1877, entitled "Revenue,"

Which was read the first time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 125,

A bill for an act providing for certain legal printing and fixing the compensation therefor,

Was read the first time.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 209,

A bill for an act to provide funds for the construction and furnishing of necessary buildings for the Dakota Reform School at Plankington, Dakota, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 31; nays, 9; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Greene, Harkins, Hawk, Hobart, Jones, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Cook, Cooper, Glendenning, Hubbard, Morris, Schnaidt, Shook, Williams of Grant.

Absent and not voting:

Messrs. Adams, Fletcher, Mallory, Patten of Miner, Pruitt, Stewart of Walsh, Terrill.

Mr. Elliott being excused.

So the bill passed, and

Its title was agreed to.

Mr. Stewart of Fall River, moved

To reconsider the vote by which Council Bill No. 209 was passed, and to lay the motion to reconsider upon the table,

Which motion prevailed.

THIRD READING OF HOUSE BILLS.

House Bill No. 298,

A bill for an act to provide for the purchase of books for the territorial library, and to provide for the care and custody of the same,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 40; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. White.

Absent and not voting:

Messrs. Berry, Fellows, Patten of Miner, Sullivan, Ward, Wyman.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 279,

A bill for an act to amend section 2, chapter 28 of the Political Code relating to exemptions of property from taxation,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 9; nays, 31; not voting, 8.

Those who voted in the affirmative were:

Messrs. Bidlake, Cooper, Mallory, Moore, Patten of Miner, Shook, Sprague, White, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Burnham, Cook, Dodds, Dutch, Ely, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Berry, Ensign, Fellows, Jones, Royer, Ruggles, Schnaidt, Williams of Burleigh.

Mr. Elliott being excused.

So the bill was lost.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 3, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 60.

An act to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota,

Respecfully,
LOUIS K. CHURCH,
Governor.

House Bill No. 289,

A bill for an act to legalize assessment rolls,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, 5; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Mallory, McDonell, Miltimore, Moore, Morris, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hobart, Hubbard, Patton of Lawrence, Patten of Miner, Wolzmuth.

Absent and not voting:

Messrs. Aikens, Berry, Ensign, Fellows, Jones, Mentzer, Pruitt, Sullivan, Terrill, White, Wise.

Mr. Elliott being excused.

So the bill passed, and
Its title was agreed to.

Mr. Williams of Burleigh, moved

To reconsider the vote by which House Bill No. 289 was passed and lay the motion on the table,

Which motion prevailed.

House Bill No. 232,

A bill for an act to regulate the assessment and collection of poll tax.

Was read the third time.

Mr. Dodds moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill, No. 299,

A bill for an act authorizing municipal corporations to lay out, open improve and vacate streets and alleys, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 43; nays, 1; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Patton of Lawrence.

Absent and not voting:

Messrs. Ely, Shook, Sullivan.

Mr. Elliott being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 243,

A bill for an act to appropriate $75 to reimburse John Nagle, etc.,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 36; nays, 10; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dutch, Ely, Ensign, Fellows, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Cooper, Dodds, Fletcher, Patton of Lawrence, Patten of Miner, Ruggles, Sullivan, Terrill, Wolzmuth.

Absent and not voting:

Mr. Gilbert.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

Mr. Burnham moved

To indefinitely postpone the consideration of House Bill No. 243,

Which motion was lost.

Mr. Mentzer moved

That the vote by which House Bills Nos. 299 and 243 were passed be reconsidered and the motion to reconsider be laid upon the table.

Which motion prevailed.

Mr. Dodds moved

That House Bill No. 150 be read the third time and placed on its final passage,

Which motion prevailed.

The Speaker announced his signature to House Bill No. 200.

Mr Sullivan by unanimous consent moved

To amend House Bill No, 150 by striking out the first amendment, proposed by the Committee on Agriculture,

Which motion was lost.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 3, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 224,

A bill for an act to provide funds for the construction and furnishing of a metalurgical laboratory for the School of Mines at Rapid City, Dakota, and for other purposes,

Council Bill No. 237,

A bill for an act to provide for redistricting counties into commissioner districts,

Which have been passed by the Council, and your favorable action is requested.

Also to requst the return to the Council of

Council Bill No. 3,

A bill for an act to provide for the taxation of persons, co-partnership associations, car loaning companies, sleeping car companies, corporations and fast freight lines engaged in the business of running cars over any of the railroads in this Territory, and not being exclusively the property of any railroad company paying taxes on their gross receipts.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a territorial department of agriculture and relating to agricultural societies and fairs, and providing for reports of the same,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 35; nays, 5; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Ely, Patton of Lawrence, Stewart of Fall River, Sullivan, Wolzmuth.

Absent and not voting:

Messrs. Berry, Ensign, Hubbard, Mentzer, Pruitt, Royer, Schnaidt.

Mr. Elliott, being excused.

So the bill passed and
Its title was agreed to.

COMMUNICATION FROM THE ATTORNEY GENERAL.

BISMARCK, March 2, 1887.

To the Speaker of the House of Representatives:

In response to the request of your honorable body under date of the 2d inst., pertaining to the office of the district attorneys in this Territory wherein no district court has ever been held, I beg leave to make the following reply:

The act creating the office provides that a district attorney shall be elected in each county of this Territory, organized for judicial purposes.

The second section of the act provides that it shall be the duty of the district attorneys of the several counties to appear in the district courts of their respective counties, and prosecute and defend on behalf of the Territory, or his county, all actions, etc.,

And the Law of 1885 further provides, that if a judicial subdivision is composed of more than one county, the district attorney of the county where the court is held, for that judicial subdivision, shall have authority to try all cases in which the county or Territory is a party in the district court, and there shall be charged as a part of the expenses, certain fees, etc., which fees shall be paid by the counties attached to said counties where the court is held, for judicial purposes.

I am of the opinion that the words "organized for judicial purposes" mean what it says, in contradistinction to counties organized merely politically, without the judiciary—the district court.

The second section, above referred to, makes it the duty of the district attorneys each to appear in the district courts of their own counties, while the act of 1885 makes it the duty of such district attorneys to prosecute all cases coming from attached counties in which no courts are held, which makes it conclusive that the territorial legislature has not created the office of district attorney in any counties but those in which district courts are held.

I have the honor to remain

Your most obedient servant,
GEO. S. ENGLE,
Attorney General.

Mr. Dodds moved

To reconsider the vote by which House Bill No. 150 was passed and to lay the motion on the table,

Which motion prevailed.

Mr. Aikens moved

That Council Bill No. 74 be now placed on its third reading and final passage,

Which motion prevailed.

Mr. Ruggles moved

To amend section 1 by adding thereto the following:

Provided further, that in each county in which one thousand (1,000) or more votes were cast at the last general election the office of the county auditor is hereby created, and an auditor shall be appointed as provided in this section, without previous action of the county commissioners.

Mr. Sullivan moved

That the Council Bill No. 74 be considered in general orders this day,

Which motion prevailed.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills respectfully reports, that at the hour of 3 p. m. of this day,

House Bills Nos. 200 and 239,

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Printing have had under consideration,

House Bill No. 38,

And would recommend that it do pass, as amended.

JOHN WOLZMUTH,
Chairman.

MR. SPEAKER:

Your committee appointed to visit the North Dakota Hospital for the Insane and report upon its condition and management, beg leave to report that they have visited said hospital and after a careful examination and survey of the present condition of said hospital, as to general management; making use, for this purpose, of all the means at their command find that in its government and general control, it is all that could be reasonably hoped for. Everything about the institution was perfect as to its order and cleanliness. Frequent inquiries of the more rational of the inmates, as to treatment, food and the granting of such privileges as their condition would seem to justify, always elicited the prompt reply that it was all that could be desired.

The crowded condition of all the wards, and especially of the more violent, your committee regard as something demanding speedy relief. In very many cases two patients are required to sleep in one bed, and this bed a narrow one called three-quarter bed, or three-fourths the width of an ordinary bed.

The scarcity of single rooms, or small rooms with one bed, your committee regard as greatly to be deplored, as it forbids the placing of violently insane persons in a room separate and apart from those who must be disturbed, and their return to reason hindered by the mad ravings of another. In the male wards some of the patients are kept, as a matter of necessity, in the basement, which was not designed to be used for such purposes.

The needs of the institution demand the erection of at least one new ward as soon as practicable.

Your committee believe that the system adopted at this institution, of detached cottages or wards, is greatly to be desired in some of its features, but liable to grave objections in others. It is surely an expensive method. The wards now erected were built at a cost of about $23,000 each and do not furnish sufficient room for the one hundred and forty-four patients now within their walls.

It is claimed by those having charge that the surplus above the capacity of the institution at present would fill another such ward, which your committee believes to be true.

Your committee respectfully suggest that a change of plan as to the size and interior arrangements of the new wards to be erected would give much greater accommodation, as to room, and with far less expense than if the present plan is continued.

Another feature of the present wards to which your committee think the attention of those having charge of the institution ought to be called is the insufficient fire escapes provided. While it is true that with the use of electric lights fires are improbable, yet they are not impossible, and one narrow, winding staircase, with all the doors locked, is deemed entirely inadequate.

Your committee believe that the internal management of this institution, for all of which the superintendent is held responsible under the present law, ought to be under his direct control; in other words, that the steward, in the discharge of his duties in all matters pertaining to the management of the hospital, should act under the advice and direction of the superintendent.

In conclusion, your committee feel that they cannot speak too highly of the gentleman placed in charge of this institution. His methods of government and his care of the poor unfortunates under his charge commend him in an especial manner to the friends of humanity everywhere.

All of which is respectfully submitted.

D. F. ROYER,
JOHN HOBART,
JOHN BIDLAKE,
J. G. JONES,
Committee of the House.
G. A. HARSTAD,
P. C. DONOVAN,
C. H. SHELDON,
Committee of the Council.

COMMITTEE OF THE WHOLE.

Mr. Burnham moved

That the House do now resolve itself into a committee of the whole to consider special and general orders,

Which motion prevailed, and

The speaker called Mr. White to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration the following bills, to wit:

House Bill No. 137,

An act to amend an act entitled "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the Territory of Dakota,"

And recommend that the bill do pass.

Also,

House Bill No. 248,

A bill for an act for the protection of game,

And recommend that in section 2, the words "between the 1st day of January and the 1st day of September," after the word "grouse" in the third line of the printed bill. Also the words "or any, inserted before the word "wild," in the third line of the printed bill, and the word "May" be inserted in place of the word "January" in the fifth line of the printed bill, and the words "or any quail," between the 1st day of January and the 1st day of October, be stricken out.

Strike out the word "quail" wherever that word occurs in.

House Bill No. 248.

And recommend that the bill do pass as amended.

Also,

House Bill No. 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties,

And recommend that the bill do pass as amended by the Judiciary Committee as follows, to-wit:

Amend by striking out the words "section one" where they occur before the enacting clause, and insert the words "section one" after the enacting clause and before the word "that."

Also,

Council Bill No. 156,

A bill for an act entitled "an act to require teachers of public schools to keep a record of the visits of county superintendents,"

And recommend that the bill do pass, as amended by the Committee on Education, by substituting the following for section 2 of said bill, to-wit:

SECTION 2. Whenever any county superintendent renders his account for services to the board of county commissioners he shall designate in such account each charge for visiting any school in the county, and this charge shall be separate from all other items, and no compensation for any such visit shall be allowed by any board of county commissioners until the copy of entry required by the preceding section has been filed as therein required.

Also,

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

And recommend the passage of the bill.

Also,

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury,

And recommend that section 3 be stricken out.

In sixth line of section 1 strike out the word "ten" and substitute therefor the word "twelve."

In the fourth line of section 2 strike out the word "ten" and substitute therefor the word "twelve."

In section 4, line thirteen, for the words "five-sixths" substitute the words "1 per cent. per thirty days."

And in the fourteenth line of section 4 for the word "ten" substitute the word "twelve',"

And recommend the passage of the bill as amended.

Also,

House Bill No. 82,

An act to change the date of annual elections in civil townships,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

And recommend that it be made a special order for this evening.

Also,

Council Bill No. 67,

A bill for an act authorizing cities to refund outstanding bonded indebtedness,

And recommend that the bill do pass.

J. V. WHITE,
Chairman.

The speaker announced his signature to House Bill No. 112.

Mr. White moved

To adopt the report of the committee of the whole and that the bills considered be placed on their third reading and final passage.

Which motion prevailed.

The following report was presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 234,

An act to amend section 13 of chapter 35 of the political Code of the Territory of Dakota,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

The following bills were introduced by unanimous consent:

Mr. Pruitt, by unanimous consent, introduced—

House Bill No. 314,

A bill for an act to amend section 57 of chapter 2 of the Political Code,

Which was read the first time.

Also,

House Bill No. 315,

A bill for an act relating to abstractors and others making abstracts of titles to real estate,

Which was read the first time.

Mr. Hobart, by unanimous consent, introduced—

House Bill No. 316,

A bill for an act to appropriate money for printing the reports of the adjutant general and superintendent of the board of health,

Which was read the first time.

House Bill No. 166,

A bill for an act to provide for the payment of the expenses of criminal prosecutions in judicial subdivisions composed of two or more counties,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Cook, Ely, Jones, Pruitt, Royer, White.

Messrs. Elliott, Terrill and Wolzmuth being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 49,
A bill for an act to provide for the rate of interest on money and to define usury,
Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 31; nays, 5; not voting, 12.

Those who voted in the affirmative were:
Messrs. Adams, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Ensign, Fletcher, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles. Schnaidt, Shook, Sprague, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Burnham, Greene, Hawk, Mentzer, Pruitt.

Absent and not voting:
Messrs. Aikens, Ely, Fellows, Gilbert, Royer, Stewart, of Fall River. Stewart of Walsh, Sullivan, Terrill, White Wolzmuth.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.

Council Bill No 67,
A bill for an act authorizing cities to refund outstanding bonded indebtedness,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper. Dodds, Dutch, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague,

Stewart of Fall River, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Ely, Fellows, Hobart, Hubbard, McDonell, Stewart of Walsh, Sullivan, Terrill, White, Wolzmuth.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 156.

A bill for an act entitled "an act to require teachers of public schools to keep a record of the visits of county superintendents,"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 35; nays, none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dodds, Hobart, Hubbard, McDonell, Patton of Lawrence, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Wolzmuth.

Messrs. Elliott, Ely, and Ensign, being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 137,

A bill for an act to amend an act entitled "An act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 30; nays, 3; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton of Lawrence, Stewart of Fall River, Williams of Grant.

Absent and not voting:

Messrs. Aikens, Berry, Ely, Ensign, Fellows, Hobart, Jones, Patten of Miner, Stewart of Walsh, Sullivan, Terrill, White, Wolzmuth, Wyman.

Mr. Elliott being excused.

And so the bill passed.

Mr. Aikens moved

To amend the title to

House Bill No. 137,

By adding thereto the following:

"Being chapter 43 of the General Laws of 1885,"

Also by inserting after the word "amend." in said title, the words "section seven (7) of,"

Which motion prevailed, and

The title as amended was agreed to.

House Bill No. 248,

A bill for an act for the protection of game,

Was read the third time and placed upon its final passage.

The roll being called there were, ayes, 26; nays, 15; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Greene, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Pruitt, Ruggles, Schnaidt, Sprague, Sullivan, Ward, Williams of Grant, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Dodds, Ensign, Harkins, Hawk, Hobart, McDonell, Patten of Miner, Royer, Shook, Stewart of Fall River, White, Williams of Burleigh, Wise, Wyman.

Absent and not voting:

Messrs. Adams, Ely, Fellows, Stewart of Walsh.

Messrs. Elliott, Terrill and Wolzmuth being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were, ayes, 36; nays, 2; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Fletcher, Wise.

Messrs. Cook, Ely, Mallory, Pruitt, Royer, Stewart of Walsh, White.

Messrs. Elliott, Terrill and Wolzmuth being excused.

So the bill passed and

Its title was agreed to.

Mr. Patton of Miner moved

To concur in the Council amendments to House Bill No. 241,

Which motion prevailed.

Subsequently the bill and the message accompanying the same were ordered returned to the Council for correction.

Mr. Stewart of Fall River moved

That the vote by which

House Bill No. 67,

Was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Mentzer moved

That the vote by which

House Bill No 248,

Was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That the vote by which

House Bill No. 49,

Was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

The House took a recess until 8 o'clock p. m. to consider special and general orders.

COMMITTEE OF THE WHOLE.

Mr. Dodds moved

That the House do now resolve itself into the committee of the whole to consider special and general orders,

Which motion prevailed, and

The speaker called Mr. Williams of Burleigh, to the chair.

When the Committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 305,

A bill for an act regulating the salaries of registers of deeds and county treasurers, and for other purposes,

And recommend that the bill be amended as follows:

Strike out the word "general" in line three of section 1 and insert the words "special salary;" after word "warrant," in line three, add "which shall be liable during the year only to salary warrants, and at the end of the year any surplus shall be covered into the treasury and placed to the credit of the general fund."

Strike out the word "general" in line nine of section 21 and insert the words "special salary."

Also amend by inserting after the word "received" in line six of section 2 the phrase "as such officers."

Insert at the close of section 1 the following: "Provided that neither of said officers shall be required to account for the fees received for making and certifying to abstracts, and the county treasurer shall not be required to account for the fee collected for sending tax receipts to non-residents of the territory."

Also section 2, line four, strike out "from" and insert "after."

Section 2, line six, strike out "from" and insert "since."

Also, in section 3, line 2, after the word "salary" insert the words "of two thousand dollars."

In section 3, line 3, strike out the word "officers" and insert the word "offices."

Also, strike out the word "general" in line 6 of section 5 and insert in lieu thereof the words "special salary."

In line 9 strike out the words "personal service" and insert the word "salary."

Also, to amend by inserting in the ninth line of section 5, printed bill after the word "amount" as it occurs in said line, the word "paid."

Provided further, that any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed any clerk employed under the provisions of this act shall be deemed guilty of a misdemeanor.

And as so amended that the bill do pass.

Also have considered

House Bill No. 306,

A bill for act regulating the salaries of registers of deeds and county treasurers and for other purposes,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Substitute for House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Church and Pierce and for other purposes,

And recommend that it be committed to a special committee of five, and be made a special order for Friday, March 3, 1887, at 3 o'clock, p. m.

Also,

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

And recommend the following amendment to section 12:

That in line one, following the word "commissioner," the words "register of deeds" be inserted.

Amendment to section 13—at the close of section 13 the following words be added:

And the county clerk, where distinct from the register of deeds, shall become county auditor under this act.

And with these amendments we recommend the passage of the bill.

Also,

House Bill No. 124,

A bill for an act to amend section 1, chapter 85, of the Session Laws of 1883, And recommend that the bill be amended by the following substitute, which

We recommend to pass in lieu of the original bill:

That House Bill No. 124,

Be amended so as to read as follows:

SECTION 1. That section one (1) of chapter (85) of the General Laws of 1883 be amended by striking out the words "one year," where they occur therein and inserting in lieu thereof the words "eighteen months." And also by adding to said section the following: "And the owner or assignee of said lien may foreclose his lien thereon in the same manner as provided by law for the foreclosure of chattel mortgages, and he shall be entitled to retain out of the proceeds of such sale all the legitimate costs and expenses incident to the foreclosure, keeping and sale of such property, together with the amount of such lien.

E. A. WILLIAMS,
Chairman.

Mr. Miltimore moved

The adoption of the report,

Which motion prevailed.

The speaker appointed the following special committee to consider House Bill No. 159:

Messrs. Mentzer, Fellows, Ensign, Wyman and Shook.

Mr. Pruitt moved

To adjourn,

Which motion was lost.

Substitute House Bill No. 305,

A bill for an act regulating the salaries of registers of deeds and county treasurers,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 34; nays, 2; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Gilbert, Greene, Hobart, Hubbard, Jones, Mentzer, Miltimore, Morris Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Glendenning, Harkins.

Absent and not voting:

Messrs. Adams, Hawk, McDonell, Moore, Patten of Miner, Shook, Sprague, Stewart of Fall River, Wolzmuth.

Messrs. Dutch, Elliott and Mallory being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 124,

A bill for an act to amend section 1 of chapter 85 of the Session Laws of 1883,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes 33; nays, 1; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Schnaidt, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Mr. Wyman.

Absent and not voting:

Messrs. Adams, Bidlake, Dutch, Fellows, Mallory, McDonell, Patten of Miner, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Wolzmuth.

Mr. Elliott being excused.

So the bill passed and

Its title was agreed to.

Council Bill No. 74,

A bill for an act creating the office of county auditor and defining the duties thereof,

The roll being called there were ayes, 27; nays, 5; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cooper, Dodds, Fellows, Fletcher, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mentzer, Miltimore, Morris, Patton of Lawrence, Royer, Schnaidt, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Bidlake, Gilbert, Greene, Terrill, White.

Absent and not voting:
Messrs. Adams, Cook, Dutch, Ely, Ensign, Mallory, McDonell, Moore, Patten of Miner, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Wolzmuth.

Mr. Elliott being excused.

So the bill passed and
Its title was agreed to.
Mr. Aikens moved
That the votes by which
House Bills Nos. 305 and 124 and Council Bill No. 74 passed.
Be reconsidered and the motion to reconsider be laid on the table,
Which motion prevailed.

Mr. Greene moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-THIRD DAY.

BISMARCK, March 4, 1887.

House assembled at 2 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The Committee to revise and correct the Journal have examined that of March 3rd, 1887 and find the same correct as printed.

D. W. ENSIGN,
C. I. MILTIMORE,
J. G. HAMILTON.

PETITIONS AND COMMUNICATIONS.

Mr. Pruitt presented the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota whose postoffice address is Gettysburg, in the county of Potter, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim, and that the law shall go into effect upon the 4th day of July. 1887. And thus your petitioners will ever pray.

A. C. BRINK, et al.

Mr. Dutch, the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is Rockham, county of Faulk, do most respectfully petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

FRANK BUSS, et al.

Which were referred to the Committee on Temperance.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Complying with an order of the House, I have the honor to return herewith

House Bill No. 204,

A bill for an act regulating the assessment, equalization and appraisement of the property of railroad companies in Dakota.

JOHN HOBART,
Chairman Railroad Committee.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 112,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 2:10 p. m. of this day House Bill No. 112 was delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Judiciary Committee have had under consideration Council Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit and providing the manner of filing and foreclosing the same,

And recommend that the following words be inserted in section 2:

After the word "crops," the words "created subsequent to the passage and approval of this act."

Also to strike out section 6 and number section 7 section 6.

And as so amended the bill do pass.

Also,

Council Bill No. 58,

A bill for an act to amend section 29 of chapter 21 of the Political Code, relating to the organization of counties and the appointment, election and duties of county officers,

And recommend to strike out all after the "enacting clause" and amend thereafter by the following substitute bill,

And as so amended the bill do pass.

Also,

Council Bill No. 150,

A bill for an act to amend sections 2, 3, 4, 5, 8 and 9 of chapter 34 of the laws of 1885, entitled "an act to provide for the incorporation and regulation of building and loan associations,"

And recommend that it be referred to the Committee on Banks and Banking.

Also,

House Bill No. 303,

A bill for an act entitled "an act requiring certain orders, judgments and decrees in probate to be recorded,"

And recommend that in line four of subdivision first of section 2 the word "decrees" be inserted after the word "and," and as so amended the bill do pass.

Also,

House Bill No. 14,

A bill for an act fixing the salary of probate judge,

And recommend that the words "one hundred dollars" be stricken out and the words "two hundred dollars" be inserted, Also, insert the word "minor" after the word "person," in line ten of section 4 of the original bill, and

Also, after the word "person," in line twelve of section 4, original bill.

Also, insert the word "estate" in line twenty-four of section 4, original bill.

And recommend the passage of the bill as so amended.

FRANK R. AIKENS,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 4, 1887.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal school building and dormitory at Madison, Dakota, and for other purposes,

Which has been amended by the Council

By striking out the whole of section 7 and inserting in lieu thereof the following:

SEC. 7. The territorial auditor of the Territory of Dakota is hereby authorized and empowered to hear, determine and to audit claims against the Territory of Dakota under the appropriation, as made in section 6 of this act and as may be requested by the board of said normal school, and the said auditor is empowered to issue his warrants upon the territorial treasurer for such sum or sums as he may allow the several persons presenting the said claims, and the treasurer is hereby directed to pay the amounts mentioned in such warrants out of the funds arising from the sale of the bonds provided for in this act.

Also amend section 6 by string out in second line thereof the word "all" and inserting in lieu thereof the word "of,"

And in section 1, after the word "bonds," in line 9, the words "in denominations of five hundred dollars each."

Your concurrence in these amendments is respectfully asked.

I have signed the annotations on the outside of the fold of the bill as requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Dodds moved
To concur in Councild amenments to
House Bill No. 241,
Which motion prevailed.

COUNCIL CHAMBER,
March 4, 1887.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 197,
A bill for an act to provide funds for the purchase of experimental farm and the construction of dormitory, shops, laboratory and farm buildings for the agricultural college of Dakota, at Brookings and for other purposes.
House Bill No. 141,
A bill for an act to provide for the extension and maintenance of the Spearfish normal school and other purposes which have been passed by the Council unchanged.
You are respectfully informed that the Council has agreed to the House amendments to
Council Bill No. 19,
A bill for an act relating to marriages and the registration thereof.

I have the honor to transmit herewith and to ask your favorable consideration of
Council Bill No. 194,
A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal school at Springfield, D. T.
Council Bill No. 249,
A bill for an act defining the boundaries of Cavalier county and for other purposes.
Council Bill No. 257,
A bill for an act providing for the distribution of the Dakota Supreme Court Reports.
Council Bill No. 192,
A bill for an act entitled an act amending chapter 26 of the Political Code of the Territory of Dakota, relative to incorporation of cities and towns and
Council Bill No. 222 Substitute,

A bill for an act to provide for extending or restricting the limits of incorporated cities and towns,

Which have been passed by the Council.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 4, 1887.

MR. SPEAKER:

I have the honor to transmit herewith concurrent resolution recalling

Council Bill No. 107,

From the Governor,

Which has been passed by the Council, and your concurrence is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Gilbert moved

That the rules be suspended and that the joint resolution be read the first, second and third time and placed on its final passage,

Which motion prevailed.

A joint resolution recalling Council Bill No. 107 from the Governor for correction,

Was read the first, second and third time and placed on its final passage.

The roll being called there were ayes, 40; nays, none; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dutch, Hubbard, Jones, Pruitt, Schnaidt, Sullivan.

Messrs. Elliott and Terrill being excused.

So the bill passed and
Its title was agreed to.

Mr. Burnham moved
To reconsider the vote by which the joint resolution was passed and to lay the motion on the table,
Which motion prevailed.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined
House Bills Nos. 124, 137, 166 and 173,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined
House Bill No. 241,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

COUNCIL CHAMBER,
March 4, 1887.

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 163,
A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,
And to request your favorable consideration of the same.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

REPORTS OF SELECT COMMITTEES.

MR. SPEAKER:

Your special committee to whom was referred
Substitute House Bill No. 159,
A bill for an act defining the boundaries of the counties of "Pierce" and "Church" and for other purposes,
Have had the same under consideration and find as follows:

That McHenry county is indebted at the present time in the approximate sum of $6.700; Bottineau county to the amount of $6,500 approximately, and Rolette county indebted to the amount of $13,000 approximately, and would therefore recommend in view of the benefits resulting to the new counties so created or changed under the provisions of this act that the following section be added to said substitute bill, and numbered section —.

"Every county created or the boundary lines of which are changed under the provisions of this act, which acquires any new territory, shall pay that portion of the existing indebtedness of the original county from which any portion is segregated, to be determined as follows: As the number of acres segregated bears to the total number of acres contained in said original county, so shall the portion of the indebtedness to be borne by the county acquiring said segregated territory bear to the total amount of indebtedness of said original county."

Also, that the sections be numbered to correspond with the changes herein recommended.

We further recommend that the title of said bill be changed to read as follows:

"A bill for an act creating the counties of 'Pierce' and Church,' and defining the boundaries of the counties of 'Bottineau,' 'Rolette,' 'McHenry' and 'Sheridan' and for other purposes,"

And that when so amended the bill be placed on its third reading and final passage.

T. F. MENTZER,
Chairman.

COMMUNICATION FROM THE ATTORNEY GENERAL.

BISMARCK, March 4, 1887.

To the Speaker of the House of Representatives:

In compliance with the request of your honorable body under date of the 2d inst., touching the legality of the gross earnings law, I beg leave to make the following reply:

The principle of taxing income is a very old one, and is an attribute of the sovereign power which should remain perpetual an inviolable.

While a tax on naked profits or net earnings would be more just to the owner of the property taxed, yet the inquisitorial requirements to get at the net profits in many instances have rendered the method more objectionable than the one of taxing gross earnings, and the gross income tax has been adopted in many states taxing railroads.

In an early day in the state of Wisconsin the state court held the act requiring the railway and other companies to pay to the state 1 per cent. of their gross earnings, to be unconstitutional, as against the oldprinciple of uinform taxation, etc., but this decision has since been overruled by later decisions in that state.

As to the constitutionality of states to tax the gross earnings of railroads, the United States supreme court has passed upon this question, holding it to be constitutional —15 Wallace Rep.—holding a tax upon the gross receipts of a railroad company to be within the power of the state to impose. In my opinion, it is the most adequate way to reach corporations of this kind, and prevents railroad corporations from becoming interested locally in our political matters, such as the election of assessors in counties and towns, and saves an endless amount of litigation to the Territory.

I have the honor to remain,

Your obedient servant,
GEO. S. ENGLE,
Attorney General.

Mr. Aikens moved

That the communication of the attorney general be referred to the Judiciary Committee,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 4, 1887.

I have the honor to return herewith,

House Bill No. 59,

A bill for an act to establish a territorial university at Aberdeen, Dakota,

Which has been amended by the Council as follows:

Section 18, by striking out all of said section after the word "board" in line 6 of the written bill and inserting in lieu thereof the following: "Itemized accounts for such expenses verified by affidavit, shall be presented to the board of regents, and such accounts shall be certified by the said board to the territorial auditor who shall, if he find the same correct, draw his warrant upon the treasurer for the payment thereof out of the university fund. No regent shall receive any pay, mileage or per diem except as above specified,

Section 16, by striking out all of said section after the word "Territory" in line 9 thereof.

Section 13 by adding thereto the words "such site shall be approved by the board of regents or a majority thereof, and the site so selected shall be conveyed to the Territory within ninety days after the passage of this bill."

Section 2, by striking out the word "five" and figure "5" in line three of said section and inserting in lieu thereof the word "six" and the figure "6."

Section 2, strike out the word "to" after the word "county," in line 4 of said section, and insert in lieu thereof the words "five of whom shall."

Section 7, by striking out the word "and" in line three, in said section, and insert after the word "completing," in said line, the words "furnishing and heating;" by inserting in line nine, in said section, after the word "bonds" the words "in denominations of five hundred dollars each."

Section 13, by inserting after the word "building" and before the word "and," in line six of said section, the words "and furnishing and heating the same."

Section 15, by striking out the words "mining and metallurgy" in line six of said section.

And your concurrence in these amendments is respectfully requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart, of Fall River, moved

That Council Bill No. 3 be recalled from the Committee on Ways and Means, and that the clerk of the House be instructed to transmit the same to the Council in compliance with a resolution from that body requesting the return of said bill,

Which motion prevailed.

Mr. Dodds moved

That all Council and House Bills introduced to-day be read a first and second time by title and referred to their appropriate committees,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Dodds introduced—
House Bill No. 317,
A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad commissioners in relation thereto,
Which was read the first and second, time and
Referred to the Committee on Warehouses.

Mr. Royer (by request) introduced—
House Bill No. 318,
A bill for an act to authorize the closing of barber shops on Sunday,
Which was read the first and second time and
Referred to the Committee on Territorial Affairs.
Mr. Wyman introduced—
House Bill No. 319,
A bill for an act for the qualification of township and county officers,
Which was read the first and second time and
Referred to the Committee on Counties.

Mr. Bidlake introduced—
House Bill No. 320,
A joint resolution and memorial to the Hon. Grover Cleveland, President of the United States of America, relative to the permission and continuance of the surveys in the Devils Lake land district,
Which was read the first and second time and
Referred to the Committee on Territorial Affairs.

Committee on Appropriations introduced—
House Bill No. 321,
A joint resolution providing for the payment of William Cober for hack hire during call of House,
Which was read the first and second time.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 257,
A bill for an act providing for the distribution of the Dakota supreme court reports,
Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No, 249,

A bill for an act defining the boundaries of Cavalier county, and for other purposes,
Was read the first and second time and
Referred to the Committee on Counties.

Council Bill No. 194,
A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal School at Springfield, Dakota,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 192,
A bill for an act entitled "an act amending chapter 26 of the Political Code of Dakota Territory, relative to incorporation of cities and towns,"
Was read the first and second time and
Referred to the Committee on Towns and Cities.

Council Bill No. 222,
A bill for an act to provide for extending or restricting the limits of incorporated cities and towns,
Was read the first and second time and
Referred to the Committee on Towns and Cities.

Council Bill No. 224,
A bill for an act to provide funds for the construction and furnishing of a metalurgical laboratory for the School of Mines at Rapid City, Lakota, and for other purposes,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 237,
A bill for an act to provide for redistricting counties into commissioner districts.
Was read the first and second time and
Referred to the Committee on Territorial Affairs.

The following report was presented:

MR. SPEAKER:
The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of of 6 p. m. of this day House Bill No. 241 was delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

Mr. Berry moved
That House Bill No. 297,

Be referred to a special committee of five to be appointed by the speaker,

Which motion prevailed and the speaker appointed Messrs. Berry, Mallory, Patton of Lawrence, Royer and Burnham as such committee.

SECOND READING OF HOUSE BILLS.

House Bill No. 297,

A bill for an act to amend sections 1, 2 and 6 of chapter 126, Laws of 1885 and chapter 66, Laws of 1885,

Which was read the second time and

Referred to a special committee consisting of Messrs. Berry, Mallory, Patton of Lawrence, Royer and Burnham.

House Bill No. 295,

A bill for an act to amend an act entitled an act to amend chapter 30 of the Political Code relating to territorial militia,

Was read the second time and

Referred to the Committee on Military Affairs.

THIRD READING OF HOUSE BILLS.

House Bill No. 99,

A bill for an act to amend chapter 28 of section 54 of Political Code, entitled "Revenue,"

Was read the third time and placed on its final passage.

Mr. Dodds moved

That the further consideration of the bill be indefinitely postponed.

Which motion prevailed.

Mr. Aikens moved

That the House concur in the amendments to

House Bill No. 303,

And that the rules be suspended, the bill be read the third time and placed on its final passage,

Which motion prevailed.

House Bill No. 303,

A bill for an act entitled "an act requiring certain orders, judgments and decrees in probate to be recorded."

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Cook, Hobart, Mallory, Miltimore, Schnaidt, Stewart of Fall River, Sullivan, Williams of Grant, Williams of Burleigh, Wyman.

Messrs. Elliott, and Terril being excused.

So the bill passed and

Its title was agreed to.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Williams, by unanimous consent, introduced—

House Bill No. 322,

A joint resolution requesting the secretary of the interior to request the commissioner of the general land office to at once investigate what the claims of the Turtle Mountain band of Chippewa Indians are to the territory lying north and west of Devils Lake, and to survey said land,

Which was read the first time.

Mr. Hobart, by unanimous consent, introduced—

House Bill No. 323,

A bill for an act appropriating funds for the maintenance of the normal school at Madison, Dakota, for the ensuing two years, and for other purposes,

Which was read the first time.

Mr. Williams of Burleigh, by unanimous consent, introduced the following:

Resolved, That the chairman of the Committee on Engrossed and Enrolled Bills be and he is hereby authorized to employ such additional clerks as he may deem necessary for the prompt dispatch of the business before his committee.

Which resolution was adopted.

House Bill No. 321.

A joint resolution providing for the payment of William Cober for hack hire,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes 29; nays, 8; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams,, Burnham, Cook, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Greene, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Fletcher, Glendenning, Harkins, Mallory, Stewart of Walsh, Williams of Grant, Wyman.

Absent and not voting:

Messrs. Aikens, Berry Bidlake, Miltimore, Moore, Sprague, Stewart of Fall River, Sullivan, Ward.

Messrs. Elliott and Terrill being excused.

So the bill passed and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Aikens moved

That the House do now resolve itself into a committee of the whole to consider general orders,

Which motion prevailed.

And the speaker called Mr. Hawk to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The committee have considered

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885, and

And recommend that the bill be amended as follows:

Amend by inserting after 3d line, "nearest to place of sale"—

Also the following:

Amend the title of the bill by striking out the word "Session" and insert in lieu thereof the word "General."

Amend section 1 to read as follows:

SECTION 1. That section two (2) of chapter thirty-two

(32) of the General Laws of 1885 is hereby amended by adding to said section two (2) the following: "And said notice of sale shall be published in a newspaper printed and of general circulation in said county (if there be one) at least once each week for two successive weeks next preceding the date of such sale, Provided, the amount secured by said mortgage exceeds the sum of fifty dollars, and provided further that the inventory of the property to be sold shall be filed with the register of deeds in said county at the time of said publication and shall be described in the notice of sale and that the fees for such publication shall not in any case exceed the sum of five (5) dollars. The place of sale of said mortgaged property shall be in the county wherein said chattel mortgage was filed, and said sale must be made by the sheriff, his deputy, or any constable of said county to the highest bidder.

Said officer shall also make and within five days after the date of such sale file with the register of deeds of said county a report of the proceedings had in said sale which shall contain: A copy of the notice of sale, and if published the affidavit of the printer as required in cases of foreclosure by advertisement; the name of the purchaser or purchasers of the property sold; the amount for which each article was sold, describing it; the aggregate amount realized from the sale, an itemized statement of the expenses and costs, together with the vouchers therefor, and also a statement of the disposition of the funds realized from such sale, and which statement shall be verified by the officer making such sale. That the fee of such officer, exclusive of his necessary expenses in taking such property, shall in no case exceed the sum of five dollars, chargeable against the mortgagor, unless by virtue of a written agreement with such mortgagor, and in cases where the amount of the mortgage is less than fifty dollars the sum of two dollars, and the register of deeds shall receive twenty-five cents for each filing under the provisions of this act except for the aforesaid vouchers."

Amend section two (2) to read as follows:

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

And when so amended that the bill do pass.

Also,

Substitute Bill for House Bills Nos. 83, 99, 45 and 12,

A bill for an act fixing the time and manner in which taxes on real and personal property shall be paid, and amending sections 6, 7 and 8 of chapter 49 of the General Laws of 1879, and section 54 of chapter 28 of the Political Code,

And also,

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota, and

Recommend it be amended as follows:

House Bill 211 amendments:

After the word "highest" in line eight of section 3 insert the words "and best."

And recommend the passage of the bill when so amended.

Also,

House Bill No 154,

A bill for an act to repeal article 1, chapter 11, sections 721 and 733 and sections inclusive of chapter 35 of the Code of Civil Procedure,

And recommend that the title be amended by striking out the word "and" and inserting the word "to" between the figures 721 and 733.

Also strike out the words "and sections," and as so amended the bill do pass.

Also,

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors, and defining their duties,

And recommend that the bill be amended as follows, viz.:

House Bill No. 225 amendments:

Strike out the word "that" in the first line of section 2, and amend section 4 in line six of written bill by striking out the word "article" and inserting in lieu thereof the word "subdivision;" also strike out the word "part" and insert the word "subchapter" in the same line,

And when so amended the bill do pass.

Also,

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

And recommend that the words "either general or special" be inserted in second line of section 7, and when so amended that the bill do pass.

Also,

House Bill No. 242,

A bill for an act to authorize railway companies to appoint police officers,

And recommend that section 1 be amended by adding thereto the following:

And for the official acts of such policeman or policemen the railroad company making such appointments shall be held responsible to the same extent as sureties upon an official bond and to the same extent as for the acts of any of its general agents or employes.

And when so amended the bill do pass.

And,

Substitute for House Bill No. 38,

A bill for an act to provide for the publication of acts of the Legislative Assembly in county newspapers,

And recommend that the substitute bill be printed.

Also,

House Bill No. 116,

An act to amend section 7 of chapter 63 of the General Laws of 1885,

And recommend that it be amended, as follows:

House Bill No. 116. amendment,

SECTION 2. That section 12 be amended by striking out all that occurs after the word "expenses," which reads as follows:

"Shall be audited by the county board of health, and certified to the county commissioners of the county, and paid as other county expenses are paid,"

And inserting in lieu thereof the following: "Shall be audited by the county board of commissioners of the county, and paid as other expenses are paid,"

And that the numbers of sections following shall be changed from 2 to 3, from 3 to 4,

And when so amended that the bill do pass.

Also,

House Bill No. 188,

A bill for an act to repeal chapter 66 of the General Laws of 1885,

And report the same back to the House without recommendation.

An informal recess taken for 15 minutes.

Also,

House Bill No 162 and the substitute therefor, Reported from the Committee on Appropriations.

A bill for an act to compensate the owners of glandered horses which has been killed by order of county boards of health and recommend that substitute bill be printed.

W. J. HAWK,
Chairman.

The speaker announced his signature to
House Bill No. 241.

COMMITTEE OF THE WHOLE.

Mr. Gilbert moved

That the House do now resolve itself into the committee of the whole to consider general orders,

Which motion prevailed, and

The speaker called Mr. Hawk to the chair.

When the Committee rose the following report was made:

MR. SPEAKER:

The committee of the whole have had under consideration

House Bill No. 152,

An act to amend section 677 of the Code of Civil Procedure.

And recommend that the bill be amended as follows:

House Bill No. 152, amendments:

Section 1 be amended as follows:

If the life of any person or persons is lost or destroyed by the neglect, carelessness or unskillfulness of another person or persons, company or companies, corporation or corporations, their or his agents, or servants or employes, then the widow, heir or personal representative of the deceased shall have the right to sue such person or persons, company or companies, corporation or corporations, and recover damages. Provided, that when such neglect, carelessness or unskillfulness shall be gross or willful, punitive damages may be recovered; and provided further, that when such loss of life occurs upon a railroad passenger train, or in any hotel or theatre, the burning or disfiguring of the corpse of the deceased person by fire originating upon such passenger train, or any portion of the same, or in such theatre or hotel, shall be presumptive evidence of the gross and willful neglect and carelessness of the person or corporation owning or controlling such train, theatre or hotel.

And when so amended the bill do pass.

Also,

Council Bill No. 50,

A bill for an act to amend section 679 of the Code of Civil Procedure, relating to damages caused by railroads.

And recommend the passage of the bill.

House Bill No. 206,

A bill for an act to prevent agents and attorneys from negotiating loans beyond the legal rate of interest,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 207,

A bill for an act to provide against contracts for attorneys fees in notes. mortgages or other contracts, and for attorneys fees to be fixed by the court,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and procuring land for the school for deaf mutes and

Recommend that it be referred to the Committee on Appropriations.

Also,

House Bill No. 29,

A bill for an act to amend section 11, chapter 23 Political Code

And recommend the passage of the bill.

Also,

House Bill No. 125,

An act to prevent trespass by hunters and others,

And recommend that it be amended as follows:

Amendments to House Bill No. 125:

In place of section 1 substitute the following:

SECTION 1. It shall be unlawful for any person or persons to enter or trespass upon any cultivated land or land planted to trees, owned or occupied by any other person or persons, for the purpose of hunting or killing or trapping any game, or for the purpose of fishing, after such owner or occupant shall have posted in three conspicuous places on such premises notices forbidding such tresspassing as aforesaid.

House Bill No. 263,

And when so amended the bill do pass.

A bill for an act providing for the condemnation of land adjoining sidetracks of railroads for the purpose of building a warehouse or elevator thereon,

And recommend that the bill be laid on the table.

House Bill No. 108,

A bill for an act entitled "an act relating to the office of notaries public,"

And recommend that it be amended as follows:

Strike out all of section 1 and number section 2 of the bill section 1.

SEC. 2. The secretary shall issue a commission to each notary public appointed by the Governor, and duplicate one of which shall by said notary public be posted in a conspicuous place in his office for public inspection, and the secretary shall be entitled to receive and charge a fee therefor of five dollars, three-fifths of which shall be paid to the territorial auditor for the use of the executive in the employment of such clerical assistance as he may deem necessary.

The secretary shall keep in his office a careful record of such appointments and the date of their expiration, and shall notify each notary, by mailing to each notary, postage prepaid, at his last known postoffice address, at least thirty days before the expiration of his term, a notice of the date upon which his commission expires.

Strike out all of section 3 and number section 4 section 3 and section 5 section 4.

And when so amended the bill do pass.

Also,

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in Dakota,

And recommend that it be amended as follows:

By striking out the word "five" where it occurs in line fourteen of section 1 of the bill as printed, and insert in lieu thereof the word "three."

Supply section 2 to read as follows:

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Supply section 3 to read as follows:

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Also amend section 1, line eleven, after the word "incorporated" insert "association or."

Also same amendment to line 15 of same section.

And as so amended it do pass.

W. J. HAWK,
Chairman.

Mr. Sullivan moved

That the House do now resolve itself into the committee of the whole,

Which motion prevailed, and

The speaker called Mr. Ensign to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

Your committee of the whole have had under consideration

House Bill No 196,

A bill for an act to provide that women shall be entitled to vote at all county, towns and municipal elections,

And recommend that it be made the special order fo March 5th, at 3 o'clock, p. m.

Also,

House Bill No. 199,

A bill for an act to regulate attorney's fees in case of the foreclosure of chattel mortgages by advertisement,

And recommend that it be amended as follows:

Amendment to House Bill No. 199.

After the words "the sum of" in line 20 of section 1 strike out all words up to the words "when the amount of such debt shall not exceed the sum of two hundred and fifty, etc.," and insert therefor the following: "One hundred dollars ($100.00) the amount of such attorney's fees shall not exceed the sum of ten dollars ($10.00).

When the amount of such debt shall exceed the sum of one hundred dollars ($100.00) and shall not exceed the sum of two hundred and fifty dollars ($250.00) the amount of such attorney's fees shall not exceed the sum of fifteen dollars ($15.00).

House Bill No. 67,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies,

And have amended the same as follows:

After the word "supply" in fourth line of section 1 insert the following words: "Then the cars delivered at such station each day," and strike out in said fourth line the words "they" and " each day" as printed.

In section 2, line two, strike out the word "demanded" and insert in its place the word "delivered."

To section 2 as thus amended add the following:

"Such damages as such person or company shall have sustained by reason of any failure or neglect of such railroad company to supply to such person or company his or its equal share of cars. and the person or company claiming such damages may institute action and recover therefor in any court of competent jurisdiction within this Territory. Provided, however, that no action for such damages shall be sustained unless the person or company claiming such damages shall have within sixty days after the occurring of such damages, and at least twenty days prior to the commencement of any such action, served a written notice of his or its said claim for damages, stating the amount thereof, upon such railroad company, or upon its authorized and acting agent."

Strike out all of section 3.

And as thus amended we recommend that the bill do pass.

And

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundaries of wards, and have amended the same as follows:

By striking out of section 1 commencing with the word "the," in line seventeen (written bill), all the remainder of the sectoin.

Amend section 2 by inserting the words "of all the members-elect" after the word "vote" in the fourth line of said section (written bill).

Amend all of section 4 by striking out all of said section after the word "necessitates" in the third line of said section.

Amend section 5 by inserting the word "ten" before the word "days" in line one.

Add section 6 as follows: "All acts and parts of acts, either general or special, in conflict with this act are hereby repealed.

Make section 7: "This act shall take effect and be in force from and after its passage and approval."

Hnd that when so amended the bill do pass.

D. W. ENSIGN,
Chairman.

Mr. Sullivan moved

That the rules be suspended and that

House Bill No. 159,

Be read the first, second and third times and placed on its final passage and that by unanimous consent the amendments made by the special committee be adopted,

Which motion prevailed.

Substitute for House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Church and Pierce, and for other purposes,

Was read the first, second and third times and placed upon its final passage.

The roll being called there were ayes, 35; nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cook, Cooper, Dodds, Dutch, Ely, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bidlake, Burnham, Ensign, Fletcher, Hubbard, Mallory, Patten of Miner, Pruitt, White, Williams of Grant.

Messrs. Elliott and Terrill being excused.

So the bill passed and

Its title was agreed to.

The speaker announced his signature to Council Bills Nos. 69, 164, 165 and 215.

Mr. Sullivan moved

That the vote by which the

Substitute for House Bill No. 159,

Was passed, be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Aikens moved

To adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-FOURTH DAY.

BISMARCK, March 5, 1887.

House assembled at 1:30 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The committee to revise and correct the Journal made the following report:

MR. SPEAKER:

The Committee to revise and correct the Journal have examined that of March 4, 1887, and find the same correct as printed, except on page 22 as to House Bill No. 199 the words "and when so amended the bill do pass;" same omission as to House Bill No. 108, on twenty-first page; same as to House Bill No. 125, on page 20; same as to House Bill No. 152, on page 19; same as to House Bill No. 242, on page 18, and with these corrections they recommend the approval of the Journal.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

Which report was adopted, and the Journal of the preceding day was approved.

PETITIONS AND COMMUNICATIONS.

Mr. Sprague presented the following petitions:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned farmers and business men of ———— ————, do most respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins bill," that it may become a law during this session of the Legislature. We consider the measure a wise one in all its provisions, giving the people relief from the most grievous burdens known to our Territory. Railroad discrimination and extortion constitutes the question of the day. These abuses, with that of the elevators, have entered into the discussions of every meeting of the farmers of this Territory for three years past. We have asked and prayed that our representatives give us relief from these great burdens imposed by the few upon the many for three years past, and yet a deaf ear has been turned to our reasonable demands, and all this time the producers witness their hard earnings passing into the hands of the rich corporations, and while the latter are growing richer the farmers are growing poorer from year to year. We hope your honorable body will not repeat the action of your predecessors, but will improve your great opportunity in giving a suffering people what is justly their due. And we will ever pray.

M. J. AKINS, et al.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the undersigned farmers and business men of Colgate, Dakota, do most respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins bill," that it may become a law during this session of the Legislature. We consider this measure a wise one in all of its provisions, giving the people relief from the most grievous burdens known to our Territory. Railroad discrimination and extortion constitutes the question of the day. These abuses, with that of the elevators, have entered into the discussions of every meeting of farmers of this Territory for three years past. We have asked and prayed that our representatives give us relief from these great burdens imposed by the few upon the many for three years past, and yet a deaf ear has been turned to our demands, and during all this time the producers witness all their hard earnings passing into the hands of the rich corporations, and while the latter are growing richer, the farmers are growing poorer from year to year. We hope your honorable body will not repeat the action of your predecessors, but will improve your great opportunity in giving a suffering people what is justly their due. And we will ever pray.

J. A. GREY et al.

Also,

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned farmers and business men of Colgate, Dak., do most respectfully petition your honorable body to pass Council Bill No. 6, commonly known as the "Collins bill," that it may become a law during this session of the Legislature. We consider this measure a wise one in all of its provisions, giving the people relief from the most grievous burden known to our Territory. Railroad discrimination and extortion constitutes the question of the day. These abuses, with that of the elevators, have entered into the discussions of every meeting of the farmers of this Territory for three years past. We have asked and prayed that our representatives give us relief from these great burdens imposed by the few upon the many for three years past, and yet a deaf ear has been turned to our demands, and during all this time the producers witness all their hard earnings passing into the hands of the rich corporations, and while the latter are growing richer the farmers are growing poorer from year to year. We hope your honorable body will not repeat the action of your predecessors, but will improve your great opportunity in giving a suffering people what is justly their due. And we will ever pray.

WM. ORNE et al.

Mr. Dutch introduced the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We, the undersigned citizens of the Territory of Dakota, and whose postoffice address is........, county of........, do most respectfully and earnestly petition your honorable body to pass a stringent law prohibiting the manufacture and sale of intoxicating liquors in the Territory, with a proviso for its submission to a vote of the people for ratification, and if the people shall so ratify, providing further that the Governor shall so proclaim and that the law shall go into effect upon the 4th day of July, 1887. And thus your petitioners will ever pray.

L. H. BAILEY, et al.

Also the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

GENTLEMEN: Your petitioners, residents of Dakota, would pray your honorable body to pass a bill granting women the right of suffrage.

L. H. BAILEY, et al.

Also the following:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The increasing and alarming frequency of assaults upon women, and the frightful indignities to which even little girls are subject, have become the shame of our boasted civilization.

The study of the Revised Code of Dakota has revealed the astounding fact that the age at which a little girl may legally consent to her own ruin is placed at ten years.

Therefore, we, the men and women of Faulk county, Territory of Dakota, do most earnestly appeal to you to raise this age to at least eighteen years, and we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.

We also pray you to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

C. E. HUGHES, et al.

Which was referred to the Judiciary Committee.

Mr. Hobart the following:

To the Honorable the Legislative Assembly of the Territory of Dakota:

WHEREAS, certain bills have been introduced looking towards the reduction of our exemption laws, as at present constituted; and

WHEREAS, such reduction would work great hardship upon a majority of the farmers and laboring classes, who have always been subject to unjust and discriminative laws. Our crops have been poor, and we have unwillingly been forced into debts which must be paid, and with our exemption laws undisturbed we are determined to pay promptly, if we can; if not, as soon as our limited means will allow. And to this end we call upon you, as our representatives, to vote "No" when said bill comes up for passage.

We would also respectfully and earnestly pray you that you pass a bill containing the principles of Hughes' Council Bill No. 2, and Collins' Council Bill No. 6.

JAS. H. ALFRED et al.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The Judiciary Committee submit the following report:

They recommend the passage of the following bill:

Council Bill No. 257,

A bill for an act providing for the distribution of the Dakota supreme court reports.

They return herewith

House Bill No. 170,

A bill for an act to amend certain sections of the township government act, chapter 112 of the General Laws of 1883,

With amendments hereto attached, and recommend the passage of the bill as amended.

House Bill No. 7,

A bill for an act repealing chapter 99 of the General Laws of 1883,

Is returned herewith without recommendation.

They return

House Bill No. 307,

A bill for an act for the relief of George W. Vanderbule and Henry J, Southwick and recommend that the bill be referred to the Committee on Appropriations.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 248 and 305 and find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Railroads, to whom was referred

House Bill No. 153,

A bill for an act to regulate the duties of railroad companies in the Territory of Dakota in regard to alteration of routes,

Also,
House Bill No. 184,
A bill for an act to repeal chapter 126 of the General Laws of 1885,
Beg leave to report as follows:
Amend section 1 of
House Bill No. 153
To read as follows:

"SECTION 1. The board of directors of any railroad corporation may at any time alter the route or any part of the route of their road, or any extension or branch thereof, or any part of their road, or any extension or branch as constructed or graded, if it shall appear to them that the line can be improved thereby; but no railroad shall be so diverted from any county, town, city or village or individual, company or corporation, single or in its corporate capacity, that shall have extended aid to such road, either while in the hands of the then present owners or any former person, company or corporation, without first having fully reimbursed any individual, company or corporation for whatever aid granted to said railroad company or corporation, and for all damages sustained by said individual, company or corporation, caused by the change of said route,"

And as thus amended we recommend that the bill do pass.

House Bill No. 184
Is herewith reported to the House without recommendation.

All of which is respectfully submitted.

JOHN HOBART,
Chairman.

MR. SPEAKER:

Your Committee on Education to whom was referred the following bills beg to report as follows:

House Bill No. 223,
Recommend that it do not pass.
House Bill No. 265,
Recommend that it do not pass.
House Bill No. 275,
Recommend that it do pass.
Council Bill No. 117,
Recommend that action be deferred.
House Bill No. 194,
Recommend that it do not pass.

House Bill No. 251,

Report it back without recommendation.

All of which is respectfully submitted.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

Your Committee on Military Affairs to which was referred

House Bill No. 295,

Report that they have had the same under consideration and make the following recommendations:

That the said bill be amended by striking out of section 4, line three, printed bill, the words "one brigadier general;" also, by adding at the end of said section 4 the words "provided, that in the discretion of the Governor of the Territory but one battery of artillery and one troop of cavalry may be organized and provided, further, that in the discretion of the Governor the troop of cavalry may be dispensed with."

Also, by adding after the word "colonel" in line three, of section 5, the words, "He may at his discretion organize the Dakota National Guard into a brigade, in which case he shall appoint a brigadier general to command the same."

Also, by striking out of section 6, line two, printed bill, the words "except the brigadier general and his staff, the chiefs of all the staff department and the aides to the Governor, which shall be for four years."

Also, by striking out of line four of said section 6, the words "No officer shall be deprived of his commission except by expiration of term of service resignation or by sentence of a court martial."

Also, by striking out the word "shall" at the beginning of line two of section 7 and by inserting in lieu thereof the words "may at the discretion of the Governor."

Also, by adding after the word "general" in line three of said section 7 the words "or senior officer."

Also, by adding at the end of section 8 the words "provided, that two batteries are organized."

Also, by adding after the word "of" where it occurs after the word "consists" in line one of section 9; the words "two guns with."

Also, by adding at the end of section 9 the words "provided that two troops are organized."

Also, by striking out the word "two" in line five of section 12 and by inserting in lieu thereof the word "one."

Also, by striking out of line eight of section 15 the words, "nor under eighteen."

Also by adding after the word "Territory," in line five of section 17, the words "or the vicinity of the station of the organization to which he belongs;" also by adding after the word "officers," in line one of section 19, the words "and enlisted men;" also by adding after the word "claims," in line five of section 20, the words "without fee or commissions;" also by adding after the word "stationary," in line eight of section 20, the words "not to exceed five hundred dollars per annum;" also by striking out the first clause of section 28, beginning with the word "no" and ending with the word "thereby;" also by striking out the whole of section 29 and inserting in lieu thereof as section 29 the following words:

"The respective rank of all officers shall be determined by the date of their election or appointment and the length of time of service in the Dakota National Guard, as a commissioned officer of such rank, provided that in case of reelection or reappointment his rank shall be determined by date of first commission."

Also by striking out after the word "appoint," in line one of section 31, the words "or have an election to fill the quota of all."

Also, by adding after the word "or," where it occurs after the word "money" in line seven of section 34, the word "other."

Also, by adding after the word "court," in line four, section 48, the words "and to administer oaths to such witnesses."

Also, by adding after the word "of," in line two of section 55, the words "the national guard of."

Also, by striking out of line seven of section 56, the words "one dollar and fifty," and by inserting in lieu thereof the word "seventy-five."

Also, by striking out of line eight, section 56, the words "and sixty-five cents."

Also, by striking out of line nine, said section 56, the words "seventy-five," and by inserting in lieu thereof the word "fifteen."

Also, by striking out of line ten, said section 56, the words "seventy-five," and by inserting in lieu thereof the words "twenty-five."

Also, by striking out of line twelve of said section 56 the words "eighty-five," and inserting in lieu thereof the word "fifty."

Also, by striking out of line thirteen of said section 56 the words "two dollars," and inserting in lieu thereof the words "one dollar and seventy-five cents."

Also, by striking out of line fourteen of said section 56 the words "two dollars," and by inserting in lieu thereof the words "one dollar and seventy-five cents."

Also, by striking out of line fifteen, said section 56, the words "and fifty cents."

Also, by striking out of line sixteen, said section 56, the words "three dollars," and by inserting in lieu thereof the words "two dollars and twenty-five cents."

Also, by striking out of line seventeen, of said section 56, the words "fifty cents."

Also, by striking out of line four, section 59, the figures "55," and by inserting in lieu thereof the figures "56."

Also, by striking out of line three of section 60, the word "six" and by inserting in lieu thereof the word "seven."

Also, by striking out of line six, section 60, the words "thirty-seven" and by inserting in lieu thereof, the words "thirty-eight."

Also, by striking out of said line six, section 60, the words "to be paid from the general fund."

Also, by striking out of line two, section 63, the word "leader," and by inserting in lieu thereof the word "treasurer."

Also, by striking out of line eight, of said section 63, the words "from the general fund."

Also, by striking out of line ten, section 63, the word "general," and by inserting in lieu thereof the word "militia."

Also, by striking out the whole of section 69, and by inserting in lieu thereof as follows:

SEC. 69. All property of the Territory that may be lost, stolen, damaged or destroyed in the military service, shall be acted upon by a disinterested inspector or officer, detailed as such, who shall make full investigation and report of all the facts and circumstances of the case, and if any person is found or deemed responsible for the loss or damage of the property beyond reasonable wear and tear of the service, the inspector shall assess and fix a reasonable value on the property lost, damaged or destroyed, and such person shall pay the sum so assessed into the treasury of the Territory. And in event of such person's failure or neglect to reimburse the Territory, suit may be entered in the name of the Territory in any court of competent jurisdiction, for the recovery of the same, under such regulations as the Governor shall prescribe.

Also by adding the following section to be known as section 70 of said bill, viz:

SEC. 70. For the purpose of carrying out the provisons of chapter 30 of the Political Code of the Territory of Dakota, as herein amended, there is hereby appropriated annually, in addition to the amount heretofore appropriated, the sum of three thousand dollars ($3,000,) or so much thereof as may be necessary, out of any money in the territorial treasury, not otherwise appropriated, and all warrants against said appropriation shall be drawn by the territorial auditor upon the territorial treasurer upon the certificate of the adjutant general, approved by the governor.

Also by adding the following to be known as section 71 of said bill, viz:

SEC. 71. All acts or parts of acts conflicting with the provisions of this act are hereby repealed and this act shall be known, entitled and referred to as the "Military Code of the Territory of Dakota" and shall take effect on and after its passage and approval.

And as amended the committee recommend the bill be passed.

A. A. HARKINS,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under considertion

House Bill No. 257,

A bill for an act to provide for the issuing of bonds and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor,

And offer the following amendments:

Section 1, lines two and three, strike out the words "two wings" and insert "one wing."

Section 1, line six, strike out the words "east and west wings" and insert the word "wing."

Section 1, line 8, strike out "$92,500" and insert "$50,250."

Line nine, same section, strike out the words "two wings" and insert "one wing," and strike out the word "each" at end of line.

Strike out line ten.

Section 1, line eleven, strike out the word "two" and insert "one." Strike out "$3,000" and insert "$1,500."

Line thirteen, strike out "$10,000" and insert "$5,000."

Line fifteen, strike out "$1,500" and insert "$750."

Line sixteen, strike out "$92,500" and insert "$50,250."

Section 2, line two, strike out "$92,500" and insert "$50,250."

In line five section 2 strike out the words "at the rate of six" and insert in lieu thereof the words "not to exceed five."

Strike out the word "twenty" in line six, section 2 and insert the word "fifteen."

Strike out all of section 2 after the word "years" in line six.

Section 4, line five after the word "highest" insert the words "and best."

Section 9, line two strike out the words "ninety-two thousand five hundred (92,500)" and insert in lieu thereof "fifty thousand two hundred and fifty (50,250.)"

Section 12, line five strike out the words "eighty-five" and insert the words "seventy-five,"

And recommend the passage of the bill as amended.

Also,

House Bill No. 252,

A bill for an act to provide for the issuing of bonds for additional buildings and improvements for the North Dakota hospital for the insane, near Jamestown, and to appropriate money therefor,

And amend as follows:

Section 1, line six, strike out the words "wing to office building."

In line seven strike out the word "corridors."

In lines eight and nine strike out the words "additional water supply."

In line twelve strike out "$194,500" and insert "$89,500."

In line thirteen strike out "$133,500" and insert "$66,500."

In line fourteen strike out "$90,000" and insert "$46,000."

Strike out line sixteen.

In line seventeen strike out "$10,000" and insert "$5,000."

In line 18 strike out "$10,000" and insert "$3,000."

In line 20 strike out "$3,000" and insert "$1.500."

In line 21 strike out "$1,500" and insert "$1,000."

Strike out line 22.

In line 24 strike out "$1,500" and insert "$1,000."

In line 25 strike out "$16,000" and insert "$8,000."

In line 26 strike out "$2,500" and insert "$1,000."

In line 28 strike out "$1,500" and insert "$500."

In line 29 strike out "$1,500" and insert "500."

In line 30 strike out "$2,000" and insert "$1,000."

In line thirty-one strike out "$10,000" and insert "$2,000."

Strike out line thirty-two.

In line two, section 2, strike out "$154,500" and insert "$89,500."

Same section, line five, strike out the words "at the rate of six" and insert the words "not to exceed five."

In line six strike out the word "twenty" and insert "fifteen."

Strike out all of section 2 after the word "years" in line six.

In section 4, line five, after the word "highest" insert the words "and best."

Section 9, line two, strike out "$194,500" and insert "$89,500."

Section 12, line five, strike out the words "eighty-five" and insert the words "seventy-five."

And your committee recommend the bill do pass as amended."

Also,

Council Bill No, 211,

Joint resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the territorial charitable and penal institutions,

And recommend the same do not pass, but that it is the sense of this committee that the members of these committees be allowed their actual and necessary expenses.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The undersigned members of your Committee on Appropriations beg leave to submit a minority report on House Bill No. 257.

Making provisions for additional buildings for the Dakota Hospital for the Insane.

We respectfully submit that the amount of appropriation recommended by the majority is wholly inadequate to meet the absolute necessities of this institution. The hospital now contains 165 patients, while the real capacity of the present buildings is but 120.

The erection of a single wing, as contemplated by the majority report, will only provide for 75 patients. The 45 surplus patients already in the institution will be moved into the one new wing, thus leaving accommodations for 30 new patients. Already 46 new patients have been refused admission for want of room, and with the rapid increase of the past two years in this class of unfortunates, being nearly 85 per cent., it must be apparent that one wing is wholly insufficient to meet the public necessities. We believe the amount asked for in the bill is no more than is absolutely required.

WM. H. FELLOWS,
JOHN D. PATTON,
D. S. DODDS.

MR. SPEAKER:

The undersigned members of your Committee on Appropriations beg leave to report the following suggestions in connection with the report of the committee. While we do not insist that four new wards are now absolutely necessary, we are of the opinion they will be before the Legislature will meet again. And we recommend the full amount asked for for said four wards be appropriated, one-half of which shall be available at once, and the remainder at the discretion of the Governor.

We would recommend an increase of the amount reported for steam heating, believing it false economy to purchase small boilers now which must within two years be replaced, and larger ones substituted, at great loss to the Territory.

Your committee has, in our opinion, reduced the amount for furniture to an unreasonably low figure. We recommend the same be increased to, say, $5,000.

Additional appropriations:

Refrigerator and store house	$ 5,000
Barn	500
Plumbing	1,000
Heating fixtures	2,000
Furniture for new buildings	3,000
Tunnelling for protection of pipe	1,500
	$13,000
	89,000
	$102,000

It is very important that the amount asked for by the bill for additional water supply be granted, as the poor unfortunates must suffer should the present supply fail.

The plumbing and pipes for the building should not be overlooked, and suitable provisions made for the same.

D. S. DODDS,
JOHN D. PATTON,
W. H. FELLOWS.

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred

House Bill No. 240,

A joint resolution declaring in favor of division and admission of this Territory,

Have had the same under consideration and recommend that it do not pass.

The committee beg leave to say that they are in favor of division and admission and in favor of submitting the question of division to a vote of the people.

Also

House Bill No. 273,

A memorial to Congress praying for the construction of a dam for the improvement of navigation on the Red River,

Which we recommend do pass.

DONALD STEWART,
Chairman.

MOTIONS AND RESOLUTIONS.

Mr. Terrill moved that

Council Bill No. 121,

A bill for an act to provide for the incorporation of cities, and

House Bill No. 155,

A bill for an act to amend chapter 24 of the Political Code of the Territory of Dakota,

Referred to the Committee on Townships and Cities, be referred to a special committee of five to be appointed by the speaker,

Which motion prevailed, and the speaker appointed Messrs. Fellows, Mentzer, Patton of Lawrence, Miltimore and Glendenning.

The speaker appointed the following Committee on Apportionment:

Messrs. Williams of Burleigh, Fletcher, Shook, Mallory, Dutch, Morris and Stewart of Fall River.

Mr. Aikens moved

To adopt the report of the committee of the whole of the previous day.

Mr. Adams moved

To amend except as to Heuse Bill No. 38, and that said bill be indefinitely postponed,

Which amendment was adopted, and the motion as amended prevailed.

Mr. Fletcher offered the following:

Resolved, That no new bills be received by this House after Monday next, the 7th inst.

Mr. Williams of Burleigh, moved

To amend by inserting Wednesday.

Mr. Burnham moved

To lay the subject matter on the table,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received:

COUNCIL CHAMBER,
March 4, 1887.

MR. SPEAKER:

I have the honor to transmit herewith an act of the Legislative Assembly known as

Council Bill No. 9,

An act entitled "an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,"

From which his Excellency the Governor withheld his approval, stating his objections as follows:

EXECUTIVE OFFICE,
BISMARCK, March 2, 1887.

To the President of the Council:

Council Bill No. 9, entitled

An act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,

Is herewith respectfully returned without my approval, for the following reason, to-wit:

That the title of the act does not indicate with sufficient certainty the nature of the bill. The bill does not appear upon the printed files. As to the merits of the bill I do not speak, but the title of the act and the body of the bill are of such a character that a person examining the Session Laws might pass by the act, in case the law which is desired to be amended was under examination. All laws should be so plain and definite, and the titles of bills should be such, as would readily and plainly indicate to what subject matter they relate, and what is the clear intent of the Legislature.

Respectfully,
LOUIS K. CHURCH,
Governor.

Upon the question of the passage of the act, the objections of the Governor to the contrary notwithstanding, two-thirds of the Council voting in the affirmative, the bill was passed, and it is herewith placed before you for your consideration.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 5, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls and for other purposes,

Council Bill No. 100,

A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home, and providing funds therefor,

Council Bill No. 251,

"A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dak., in September 1885,"

Council Bill No. 212,

A bill for an act to legalize foreclosure proceedings in certain cases,

And to return herewith

House Bill No. 57,

A bill for an act providing for the locating, establishing and building of a soldiers' home and providing funds for the same,

And

House Bill No. 86, Substitute,

A bill for an act to define the boundaries of the counties of Billings, Stark and Lawrence,

Which have been passed by the Council unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Mentzer introduced—

House Bill No. 324,

A bill for an act to legalize the collection of taxes during the years 1885 and 1886, wherein there was a failure to properly execute the county treasurer's warrants or town marshals to collect,

Which was read the first time.

Mr. Ely, by request, introduced—

House Bill No. 325,

A bill for an act compensating the clerks and other subordinate officers of the Council and House of Representatives,

Which was read the first time.

Mr. Burnham moved

That all Council bills be read the first and second times by their titles and referred to appropriate committees,

Which motion prevailed.

Mr. Aikens moved

That Council Bill No. 9 and the veto message of the Governor be referred to the Judiciary Committee,

Which motion prevailed.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 212,

A bill for an act to legalize foreclosure proceedings in certain cases,

Was read the first and second time and

Referred to the Judiciary Committee.

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes, at Sioux Falls, Dakota, and for other purposes,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 100,

A bill for an act to establish a home for disabled soldiers, sailors and marines in the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Military Affairs.

Council Bill No. 251,

A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a Soldiers' Home and providing funds therefor,

Was read the first and second time and

Referred to the Committee on Military Affairs.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Ruggles, by unanimous consent, introduced—

House Bill No. 326,

A joint resolution recalling House Bill No. 239 from the Governor for correction,

Which was read the first time.

Mr. Aikens moved to suspend the rules that the bill be read the second and third time and placed on its final passage,

Which motion prevailed.

House Bill No. 326,

A joint resolution recalling House Bill 239 from the Governor for correction,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Dodds, Elliott, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Cook, Cooper, Dutch, Ely, Fletcher, Jones, Mentzer, Shook, Stewart of Walsh, Sullivan.

So the joint resolution was passed.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 50,

A bill for act to amend section 677 of Code of Civil Procedure, relating to damages caused by railroads,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 5; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Mallory, McDonell, Moore, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Elliott, Greene, Jones, Patton of Lawrence, Williams of Grant.

Absent and not voting:

Messrs. Adams, Berry, Cook, Ely, Ensign, Fellows, Hobart, Hubbard, Mentzer, Miltimore, Morris, Pruitt, Sprague, Williams of Burleigh, Wyman.

So the bill passed and
Its title was agreed to.

Council Bill No. 211,
Joint resolution providing for the payment of expenses of the Joint Committee appointed to inspect the institutions of the Territory,
Was read the third time,
Mr. Elliott moved
That the further consideration of the bill be indefinitely postponed,
Which motion prevailed.

Council Bill No. 257,
A bill for an act providing for the distribution of the Dakota supreme court reports,
Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 41; nays, 1; not voting, 6.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Ensign.

Absent and not voting:
Messrs. Berry, Elliott, Ely, Fletcher, Jones, Moore, Patton of Lawrence.

So the bill passed, and
Its title was agreed to.

Council Bill No. 163,
A bill for an act to amend chapter 44 of the Session Laws of 1883, relative to education,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, 8; not voting, 3.
Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Cook, Elliott,

Ely, Ensign, Fellows, Fletcher, Gilbert, Harkins, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Dodds, Dutch, Glendenning, Hawk, Mallory, Ruggles, Stewart of Walsh.

Absent and not voting:

Messrs. Cooper, Greene, Wyman.

So the bill passed and

Its title was agreed to.

Mr. Pruitt moved

To reconsider the vote by which Council Bills were passed and to lay the motion on the table,

Which motion prevailed.

SECOND READING OF HOUSE BILLS.

House Bill No. 311,

A bill for an act entitled an act to provide for the insurance of crops against loss or damage by hail,

Was read the second time, and,

Referred to the Committee on Insurance.

House Bill No. 312,

A bill for an act to amend section 1 of chapter 41 of the general Laws of 1883,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 313,

A bill for an act to amend section 33 of chapter 28 of the Revised Codes of 1877, entitled "Revenue,"

Was read the second time and

Referred to the Committee on Ways and Means.

House Bill 314,

A bill for an act to amend section 57 of chapter 21 of the Political Code,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 315,

A bill for an act relating to abstractors or others making abstracts of the titles to real estate,

Was read the second time and

Referred to the Committee on Judiciary.

House Bill No. 316,

A bill for an act to appropriate money for printing the reports of the adjutant general and superintendent of the board of health,

Was read the second time and

Referred to the Committee on Appropriations.

Mr. Williams, of Burleigh, moved

To suspend the rules and that

House Bill No. 322,

Joint Resolution relating to the Chippewa claim of title to lands in the Turtle Mountain country,

Be read the third time and placed on its final passage,

Which motion prevailed and the resolution was so read.

The roll being called, there were ayes, 33; nays, 3, not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Ely, Ensign, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles. Sprague, Stewart, of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Dodds, Shook.

Absent and not voting:

Messrs. Berry, Dutch, Elliott, Fellows, Fletcher, Gilbert, Greene, Mallory, Patten of Miner, Pruitt, Schnaidt, White.

And so the joint resolution passed and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Sprague moved

That the House do now resolve itself into a Committee of the Whole to consider special orders,

Which motion prevailed and the Speaker called Mr. Jones to the chair.

When the Committee rose the following report was made,

MR. SPEAKER:

The Committee have had under consideration,

Substitute for House Bill No. 196,

A bill providing that women may vote in all county, town and municipal elections,

And recommend that the further consideration of the bill be indefinitely postponed.

J. T. JONES,
Chairman.

Mr. Stewart of Fall River, moved

The adoption of the report.

Call of the House demanded.

All members being present further proceedings under the call were dispensed with.

Yeas and nays demanded.

The roll being called there were ayes, 30; nays, 17; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cooper, Ely, Ensign, Fellows, Fletcher, Gilbert, Greene, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Royer, Schnaidt, Shook, Stewart of Fall River, Sullivan, Terrill, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Burnham, Cook, Dodds, Dutch, Elliott, Glendenning, Harkins, Mallory, Moore, Patten of Miner, Pruitt, Ruggles, Sprague, Stewart of Walsh, Ward, Wise, Mr. Speaker.

Mr. Hawk being excused.

So the motion to adopt the report prevailed.

The speaker announced his signature to

House Bill No. 326 and Council Bills Nos. 19, 67 and 112.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 5, 1887.

To the Speaker of the House of Representatives;

In compliance with request contained in concurrent resalution, I have the honor to herewith return

House Bill No. 239.

Respecfully,
LOUIS K. CHURCH,
Governor.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 326,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 159,

And report the same properly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 5:30 p. m. of this day

House Bill No. 326

Was delivered to his Excellency the Governor for his approval.

A. J, PRUITT,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 5, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 326,

Joint resolution recalling House Bill No. 239 from the Governor,

Which has been read three several times and passed by the Council.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 5, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

Which has been passed by the Council; your favorable consideration is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. White moved

That when the House adjourn it adjourn to meet at 8 o'clock p. m.

Mr. Ellott moved

To adjourn,

Which motion prevailed, and the House

Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-SIXTH DAY.

BISMARCK, March 7, 1887.

House assembled at 1:30 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Messrs. Ely and Hawk, excused.

The speaker announced his signature to House Bill No. 141, Substitute for House Bill No. 86, and House Bills Nos. 57, 197.

Owing to the fact that the Journal of March 5, 1877, was not printed, the reading, revision and correction of the Journal was deferred.

MOTIONS AND RESOLUTIONS.

Mr. Aikens moved

To suspend the rules and that the House proceed to the third reading of House bills,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

That all House and Council bills be read the first and second times and referred to appropriate committees.

Mr. Ensign offered the following:

Resolved, That no member shall speak more than ten minutes upon any question before the House, except by unanimous consent.

Mr. Williams, of Burleigh, moved

To amend by striking out ten and insert five,

Which amendment was adopted and

The original motion prevailed.

Mr. Dodds moved

That House Bill No. 33,

Be recalled from the Judiciary Committee and placed upon general orders,

Which motion prevailed.

Mr. Fletcher moved

That the amendments made by the Council to

House Bill No. 59

Be concurred in by the House,

Which motion prevailed.

Mr. White moved

That the House concur in the Council amendments to

House Bill No. 216

Which motion prevailed.

Mr. Hawk presented the following:

Resolved, That the per diem of the janitor of the House be fixed at four (4) dollars per day from the beginning of the session,

Which resolution prevailed.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 146,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 49,

And report the same properly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 197, 141 and 57,

Also substitute bill for House Bill No. 86,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Printing have had under consideration

Council Bill No, 125,

And would recommend that it do pass.

JOHN WOLZMUTH,
Chairman.

Mr. Ruggles moved

The adoption of the report,

Which motion prevailed.

MR. SPEAKER:

Your Committee on Military Affairs have had under consideration

Council Bill No. 63,

Providing for the establishing, locating and building of a soldiers' home,

And recommend that it be referred to the committee of the whole.

Also,

Council Bills 16 and 100,

Of the same nature be referred to the committee of the whole.

A. A. HARKINS,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations beg leave to offer the following bills:

House Bill No.

A bill for an act to provide funds for furniture, for improving grounds for pointing and painting the main building and providing for the deficiency incurred in the years 1883 and 1884 of the University of North Dakota at Grand Forks,

Also,

House Bill No.

A bill for an act to provide funds for the furnishing equipment and improving the grounds of the University of Dakota at Vermillion and for other purposes.

The appropriations asked for in these bills were offered in the maintenance bills for these institutions, but upon due consideration your committee has come to the conclusion that the appropriations asked for in these bills do not properly belong to a maintenance bill, and for these reasons they offer these bills, and recommend the passage of the same.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations have had under consideration

Council Bill No. 224,

A bill for an act to provide funds for the construction and furnishing of a metallurgical laboratory for the school of mines at Rapid City, Dakota, and for other purposes,

And recommend that the same do pass.

Also,

House Bill No. 293,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota penitentiary at Bismarck.

And offer the following amendments:

In section 1, in line five, strike out "$2,500" and insert "$500."

Strike out lines seven, eight and ten.

In line thirteen, strike out "$1,000" and insert "$500."

Strike out lines 16, 17 and 18.

In original bill strike out the words "furniture and fixtures of hospital and female prison, $2,500."

In line 20 strike out "$6,500" and insert "$3,500."

In line 21 strike out "$1,000" and insert "$5,000."

In line 22 strike out "$400" and insert "$100."

Strike out line 23.

In line 25 strike out "$88,900" and insert "$42,100."

In line 26 strike out the word "thirty" and insert the word "twenty."

In lines 26 and 27 strike out the words "and payable at the option of the Territory at any time after ten years from the date of the same."

In section 2, line 5, after the word "highest" insert the words "and best," and recommend that the bill pass as amended.

Also,

Council Bill No. 195,

A joint resolution to reimburse Legislative officers for expenses incurred in the organization of the Legislative Assembly,

And offer the following amendments:

And there is also hereby appropriated the sum of sixty-eight dollars out of any funds in the territorial treasury not otherwise appropriated, to compensate J. G. Hamilton for expenses incurred and for services in assisting in the organization of the House of Representatives at its present session,

And recommend the passage of the bill as amended.

Also,

Council Bill No. 194,

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal school at Springfield, Dakota,

And amend as follows:

Add the words " and for other purposes" to title of bill.

Section 4 shall read as follows: "SEC. 4. That chapter one hundred and one (101) of the Session Laws of 1881 of the Territory of Dakota, entitled "an act to locate, establish and endow a Territorial Normal school."

Also, chapter 22 of the Session Laws of 1883 of the Tertory of Dakota, amendatory of said chapter one hundred and one (101) above mentioned, be and the same are hereby revised and re-enacted and continued in full force from and after the passage of this bill and its approval by the Governor.

Section 4 of said bill shall be designated as section 5, and recommend the bill pass as amended.

Also,

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes, at Sioux Falls, Dakota. and for other purposes,

And recommend the passage of the same.

WM. N. BERRY,
Chairman.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 7, 1887.

To the Speaker of the House of Representatives;

I have the honor to herewith return
House Bill No. 200.
Entitled

An act to repeal section 14 of article 11 of the special and private laws of the Territory of Dakota, entitled "an act incorporating the city of Mayville, Traill county, Dakota," approved March 13, 1885.

Section 1 of this act proposes to repeal section 14 of article eleven of the special and private laws of the Territory of Dakota, approved March 13, 1885, entitled an "act incorporating the city of Mayville, Traill county, Dakota." Said section 14, referred in this proposed act, reads as follows: "The proportion of the outstanding indebtedness of the present school township of Mayville which the said city of Mayville shall assume and pay, shall be determined from the assessment roll of said school township for the year 1884, and the said city of Mayville shall pay the same proportion of the township indebtedness as the property included in the territory comprising the said city was assessed in the year 1884 for an equalization tax, and the amount of said debt to be assumed and paid by the city of Mayville shall bear the same proportion to the whole amount of indebtedness of the school township of Mayville, as the amount of equalization tax levied upon the property situated within the boundaries of said city shall bear to the whole amount of equalization tax levied in the said township in the year 1884."

Upon inquiry I am informed as follows:

That at the time of the passage of the special act of incorporation of the city of Mayville, March 13, 1883, containing section 14, which this bill proposes to repeal, the city of Mayville was indebted to the township in the sum of $2,300. If this is the case, the repeal of section 14 would leave the township entirely remediless as against the city of Mayville. I therefore withhold my approval of the bill.

Respecfully,
LOUIS K. CHURCH,
Governor.

Mr. Mentzer moved

That the message be referred to the Judiciary Committee,

Thich motion prevailed.

MR. SPEAKER:

Your commttee on warehouses, grain grading and dealing to whom was referred

House Bill No. 177,

Respectfully recommend that the same do pass with the following amendments, to-wit:

1st. Amend the title of said bill so that it shall read

A BILL

For an act amendatory of chapter 126 of the General Laws of the Sixteenth Legislative Assembly, entitled an act to provide for the establishment of a board of railroad commissioners, defining their duties, and to regulate the receiving and transportation of freight on railroads in this Territory.

SECTION 1. Strike out all of said section 1 down to and including the word "consideration", in lines 23 and 24 of the printed bill, and in lines 32 and 34 where the words "warehouseman" occurs strike off the "man," and in line 36 where the word "warehouseman" occurs strike off the "man" and in line 86 where the word and figures "twenty" occur, strike out the same and insert "ten."

Section 6, line ten, strike out the words "damages for," and in line eighteen, strike out the words "suits in equity," and insert in lieu thereof the words "civil actions."

Section 8, line two, before the word "dollars" insert the word "two thousand," and in line four, before the word "dollars" insert the words "fifteen hundred," and in line nine after the word "Territory" insert the following words: "They shall also be paid, in addition to the salaries heretofore mentioned, their actual traveling expenses while in the discharge of their duty."

Section 9, line seven, strike out the word "the" after the words "lines of" and insert the word "any;" and after the word "carrier" insert the words "complained of."

Section 13, line three, after the word "reward" insert the word "wholly" and after the words "by railroad" insert the words "or partly by railroad," and strike out all of said section after the words "to be unlawful" in line 13.

Section 14, line 4, after the word "roads" strike out the word "or."

Section 17 strike out entire, and renumber all subsequent sections to correspond.

Section 18, line 11, after the words "or favor" insert the words "as to size of warehouse, or as;" line 14, after the words "or will" strike out the words "at or near" and insert in lieu thereof the words "within two thousand feet of;" line 18 strike out the words "within a reasonable distance from such station or terminus," and in line 19 after the word "connection," insert the words "provided that permits for such side tracks shall be given by the railroad commission after the same has been viewed and declared to be reasonable and practicable."

Section 20, line 5, after the words "in any" insert the word "way:" and in line 10 after the word "section" strike out the figures "13" and insert the word "thirteen."

Section 21, lines 5 and 6, strike out the words "and it is hereby authorized to compel any common carrier, after such public hearing."

Section 25, after the words "of not" in line 5 strike out the words "less than $1,000" and insert in lieu thereof the words "to exceed $500" and in line 12 strike out the figures "$1,000" and insert in lieu thereof "$500."

Section 27, line 5, strike out the word "expediate" and insert in lieu thereof the word "expedient."

Section 29, line 1, after the words "sum of" insert the words "twelve thousand five hundred," and in line 2 insert after the word "ending" the words "on the last day of March" and strike out the word "fiscal" where it occurs in said section; line three, after the words "sum of" insert the words "twelve thousand five hundred," and after the word "ending" in line four, insert the words "on the last day of March, 1889."

With the foregoing amendments your committee recommend that House Bill No. 177 do pass.

Your committee respectfully recommend that the above bill be made a special order for March 7th, at 3 p. m.

M. H. COOPER,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 237,

A bill for an act to provide for redistricting counties into commissioner districts,

Have considered the same and report that they have no recommendations to make thereon.

DONALD STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs to whom was referred that portion of the Governor's Message relating to the capital commission and the outstanding warrants issued by the territorial auditor under and by virtue of the act creating said commission, beg leave to submit the following report:

They have made a careful examination of the books, papers, vouchers and accounts of the commission including each and every item of moneys received and disbursed by them and find as follows:

1. That the Territory received through the commission three hundred and twenty (320) acres of land, and that one hundred and sixty (160) acres thereof was by the commission laid out into lots and a public park upon which the capitol is constructed. That the remainder of the said tract has not been platted or appraised.

2. That the commission has received $138,849—one hundred thousand dollars ($100,000) from the City of Bismarck, and $38,849 from sale of lots—all of which has been properly expended.

3. That the tract upon which the capitol is located was laid out into 994 lots, 245 of which have been sold.

4. That the minimum value of the said 994 lots as appraised is $123,415. The lots would have doubtless sold for an amount much in advance of this sum but for the action that was then pending to test the validity of the act under which the commission was acting. Before this litigation was determined in the courts, a serious financial depression occurred throughout the country which resulted in a general depression in values. By reason thereof the commission was unable to sell said lots at the appraised value and as no authority to reappraise existed they have been unable from sales to liquidate all the indebtedness incurred.

5. This indebtedness amounts to the sum of $55,870.53 and is evidenced by the warrants of the Territory, duly issued by the auditor, which said warrants bear interest at the rate of 10 per cent. per annum.

6. Many of the warrants are held by mechanics and laborers for services rendered, others have been sold and are now held by persons residing without the Territory, and they are a standing menace to the credit of the Territory. We therefore recommend that said warrants be taken up and paid without delay. The courts have held that these warrants are a legal and valid claim against the Territory. The credit of the Territory, as well as justice to the mechanics and others, demand this course. We think it requires no argument to show that the Territory ought to take up these warrants and stop the accruing interest, especially in view of the fact that there is now and has been for several years nearly $250,000 in the treasury over and above the amount required to meet the current expenses of the Territory.

7. That the lots and land unsold be reappraised and sold at such time as the Governor may, in his discretion, deem it for the interest of the Territory so to do.

8. That it would be unwise to place said lots upon the market at this time for the reason that it would result in a sacrifice of the property. We believe that said lots and property will in the near future sell for an amount greatly in excess of the existing indebtedness.

9. That a board of trustees should be created to take charge of the capitol and public grounds.

10. That the commissioners made to the last Legislative Assembly a full and detailed report of all the moneys received and disbursed by them, and of all their acts and proceedings; that since said report they have not received or disbursed any moneys; that they have no property in their hands belonging to the Territory except the books required by law to be kept by them; that all their vouchers are on file in the office of the auditor; that since their last report they have made necessary improvements in the building and kept the same in repair and audited indebtedness contracted. We find that all moneys received by them have been properly disbursed and all their accounts are correct. We therefore recommend that the said commission be discharged.

11. We herewith submit a summary statement for the information of the House, viz:

Total receipts	$ 138,849.00
Total expenditures	138,849.00
Number of lots platted	994
Appraised at	$ 123,415.00
Number of lots sold	245
Amount received for lots sold	$ 38,849.00
Amount above appraised value	$ 955.00
Number of unsold lots	749
Appraised at	$ 85,521.00
Total indebtedness	55,870.53

160 acres of land not appraised.

12. Your committee have also had under consideration House Bill No. 145, relating to the subject matter of this report, and they recommend that said bill be amended by striking out all after the enacting clause and inserting in lieu thereof sections 1 to 13 inclusive, which are hereto attached and made a part of this report, and that House Bill No. 145 as amended do pass.

13. That we have examined the title to said property and find that the same is vested in the Territory in fee simple by an absolute deed from the Northern Pacific railroad company to the Territory, and the title is in all respects satisfactory to your committee.

14. This report covers all claims against the Territory which have been presented to the commission, except an unsettled claim of Mr. Chas. Thompson.

This claim was referred to a board of arbitration, who have reported favorably upon the same. A bill has been introduced covering the claim of Mr. Thompson, which we recommend to the favorable consideration of the House.

All of which is respectfully submitted.

DONALD STEWART,
D. W. SPRAGUE,
JAMES M. MOORE,
CHAS. B. WILLIAMS,
JOHN A ELY,
E. W. TERRILL,
C. B. HUBBARD,
Committee on Territorial Affairs.

Mr. Mentzer moved

That the report be printed.

Mr. Fellows moved

A substitute to adopt the report.

Mr. Cooper moved
The adoption of the report.

Mr. Elliott moved
To amend that the bill be reprinted,
Which amendment prevailed
And the original motion as amended was adopted.

Mr. Cooper moved
That the bill be made a special order for Tuesday, March 8, 1887,
Which motion prevailed.

Mr. Elliott moved
That the House do now reconsider the vote by which
Council Bill No. 211
Was lost, and that the bill be referred to a special committee of three,
Which motion prevailed, and
The speaker appointed Messrs. Elliott, Ensign and Dodds as such committee.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 5:30 p. m. of this day
House Bills Nos. 247 and 303
Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined
House resolution praying for the consideration by the Council of House Bill No. 147,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined
House Bills Nos. 245 and 303,
And find the same correctly engrossed and enrolled

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 2 p. m. of this day

House Bill No. 57,

Was delivered to his Excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills, respectfully report that at the hour of 2:30 p. m. of this day

House Bills Nos. 197, 141 and Substitute House Bill No. 86,

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT.
Chairman.

Mr. Stewart of Fall River, moved

That the House do now reconsider House Bill No. 239,

Which motion prevailed.

Mr. Aikens moved

To refer the bill to general orders.

Mr. Stewart of Fall River, moved

To refer to the Judiciary Committee.

Mr. Williams of Burleigh, offered the following resolution with a petition accompanying the same,

Which motion prevailed.

RESOLUTION.

Be it Resolved by the, House of Representatives of the Territory of Dakota.

WHEREAS, The distress and suffering existing in many sections of the Territory by reason of the drouth and other causes of the destruction of the crops of last season, having been brought to the attention of the members of this assembly, and

WHEREAS, In obedience to the popular demand for relief, and in recognition of the urgent necessity and propriety of such action, this House having on the 19th day of February, 1887, passed the bill entitled House Bill No. 147, providing for such relief, and

WHEREAS, The time for seeding the crop for this season being near at hand, and it being necessary that the aid proposed should be extended at an early date, in order to be of avail; and

WHEREAS, House Bill No. 147, as aforesaid, having been on the 23d day of February, 1887, transmitted to the Council of this assembly, and the favorable consideration of that body respectfully requested, therefore

Be it resolved by the House of Representatives of the Legislature of the Territory of Dakota that the attention of the Council of this assembly be and is hereby most respectfully called to House Bill No. 147, entitled "A bill for an act to provide seed grain and assistance for those whose crops were destroyed in 1886," and to the urgency of the early consideration of and action on said bill.

And for the favorable consideration of said bill by the Council, this House would respectfully pray.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

EXECUTIVE OFFICE,
March 7, 1887.

In consultation with Mr. Raymond, territorial treasurer, I am advised that bonds running in the name of the Territory will command a premium of from one-half to one per cent. over and above bonds running in the name of specific institutions; and I would respectfully suggest that a general law be passed, empowering the issuance of bonds, in every instance, in the name of the Territory, specifying only the institutions for which they are issued.

The treasurer would be pleased to meet the chairmen of the Appropriation Committees of both Houses, for the purpose of consulting them in the matter, should the Council and House deem it advisable.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Williams of Burleigh, moved

That the Committee on Appropriations meet with the treasurer as suggested,

Which motion prevailed.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

Your special commttee appointed to consider
House Bill No. 297,

A bill for an act to amend section 1, 2 and 6 of chapter 126 of the General Laws of 1885, relating to creation of railroad commissioners, and to repeal chapter 66 of the General Lawsof 1885,

Offer the following amendments:

In title of bill strike out the words "and to repeal chapter sixty-six (66) of the General Laws of 1885."

In section 1, line 14, strike out the words "general election" and insert in lieu thereof the words "first Monday in January."

In line 16, section 1, strike out the words "20th day of June" and insert the words "first Tuesday after the first Monday of November."

Section 1, line 32. strike out the words "July 1st" and insert the words "first Monday in January."

Strike out section 2 and number section 3, 2 and section 4, 3.

WM. N. BERRY,
Chairman.

Mr. Berry moved
The adoption of the report,
Which motion prevailed.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith
Council Bill No. 275,

A bill for an act entitled an act to provide for the government of the agricultural college and experimental station for the Territory of Dakota,

And to ask your concurrence in the passage of the same.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill No. 174,

A bill for an act to reimburse and pay George Lilly for moneys advanced to complete a portion of certain public buildings.

Council Bill No. 176,

A bill for an act to reimburse and pay George W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings.

Which have been passed by the Council and your favorable consideration is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 216,

A bill for an act providing funds for the construction of a dormitory and wing of main building of the University of Dakota and for other purposes,

Which bill has been amended by striking out the word "regents" therein and inserting in lieu thereof the word "directors." and as so amended been passed.

Your concurrence in that amendment is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SEAKER:

I have the honor to transmit herewith

Substitute for Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota, Which has passed the Council and your favorable consideration thereof is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 230,

A bill for an act making appropriation for the maintenance of the school of deaf mutes at Sioux Falls, Dakota,

Which has been passed by the Council and your favorable consideration is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 338,

A joint resolution recalling House Bill No. 241 from the Governor,

The same having been passed by the Council.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 313,

A bill for an act amending chapter 26 of Special Laws of 1883 and repealing portions of chapter 56 of Laws of 1881, relating to government and maintenance of the School for Deaf Mutes at Sioux Falls,

Which has been passed by the Council and your favorable consideration is requested.

Substitute, House Bill No. 48,

A bill for an act to prohibit the sale of intoxicating liquors by local option,

Which the Council has amended as follows:

Amend section 3 by inserting after the word "cast" in line 2 the words "in any county."

Strike out section 4 and insert the following in lieu thereof:

SEC. 4. At any general election, but at no other time, the question of prohibiting the sale of intoxicating liquors shall be again submitted to a vote of the qualified electors of any county, if one-third of the votes of such county as evidenced by the vote cast at the last preceding general election petition the board of commissioners therefor. The result of any election held under the provisions of this act shall remain in force until changed at some subsequet election held hereunder."

That the words "and further disqualified from holding any office in such county" be stricken from section 3.

That the word "and" in line seventeen of section 3 be stricken out, and the word "or" be inserted in lieu thereof.

That the bill be amended by adding to section 6:

Provided, however, that this act shall not be construed to repeal chapter 150, of the general laws passed at the Sixteenth session of the Legislative Assembly of the Territory of Dakota.

That the bill be amended by striking out section 1 and inserting the following:

SECTION 1. If a petition, signed by at least one-third of the legal voters of any county, as shown by the preceding general election, shall be presented to the county commissioners of any county, at least sixty days before the Tuesday next after the first Monday in November, in the year 1887, praying that the question of prohibition of the sale of intoxicating liquors be submitted to a vote of such county, it shall be the duty of the board of county commissioners to order an election to be held on the Tuesday next after the first Monday in November, 1887, at which election the qualified voters of such county shall vote upon the question of prohibiting the sale of intoxicating liquors in such county. Such election shall be in all respects conducted as general elections are conducted.

Your con currence thereto is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7th, 1887.

Mr. SPEAKER:

I have the honor to transmit herewith and to ask your favorable consideration of

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto.

Council Bill No. 263,

A bill for an act to amend chapter 75 of the General Laws of 1883, in regard to drainage, as amended by chapter 47 of the General Laws of 1885.

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness.

Council Bill No. 219,

A bill for an act to amend chapter 81 of the General Laws of 1885,

Council Bill No. 199,

A bill for an act defining some of the duties of registers of deeds, and repealing chapter 1 of the laws of 1881, relating to the duties of the register of deeds in making abstracts of title to land,

Council Bill No. 216,

A bill for an act to amend section 6 of chapter 61 of the Session Laws of 1881.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs,"

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations.

Council Bill No. 240,

A bill concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties.

Council Bill No. 189,

A bill for an act revising and making operative in certain counties sections 1,098 and 1,100 of the Civil Code entitled "loan of money."

Council Bill No 266,

A bill for an act to amend section 5 of chapter 52 of the General Laws of 1879, entitled "An act authorizing the appointment of shorthand reporters for the district courts of the Territory."

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for Insane, near Jamestown, Dakota.

Council Blll No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane, for the years 1887 and 1888,

Council Bill No. 309,

A bill for an act to amend an act entitled "An act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887,

Council Bill No. 103,

A bill for an act entitled "An act to repeal an act to amend the charter of the city of Elk Point, Union county, approved March 12. 1885.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 146,

A bill for an act to provide funds for the construction and furnishing of a dormitory and president's residence for the University of North Dakota at Grand Forks, Dak., and for other purposes,

Which the Council have amended by striking out from the title "and president's residence;" and section 1 be amended by striking out the words "and president's residence."

Your concurrence thereto is respectfully requested.

House Bill No. 245,

A bill for an act to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signal and fire apparatus,

Which has been passed by the Council without change,

Very respectfully
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 7, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 172,

A bill for an act defining the boundaries of Ward and Renville counties,

Which has been amended as follows:

By striking out section 4, and substituting the following therefor:

SEC. 4. The treasurer of McHenry county is hereby authorized to collect all taxes heretofore levied in townships 153, 154, 155 and 156, of range 81 west of the 5th principal meridian, in the same manner as he is authorized to collect other taxes.

Also, by striking out section 5, and substituting the following therefor:

SEC. 5. The county commissioners of Ward county shall annually levy a tax of one mill on the dollar on all taxable property in said Ward county and said taxes when collected shall be known as the "indemnity fund," and shall be paid to the treasurer of McHenry county by the treasurer of Ward county on or before the first day of January of each year, until the amount so paid shall be sufficient to discharge the proportionate share of indebtedness of McHenry county chargeable to the townships named in section 4 of this act, and whenever the said proportionate share of the indebtedness aforesaid shall have been paid as herein provided, said levy shall be discontinued and no longer made by said commissioners, and any balance that may be left, of any such tax, after paying said proportionate share of indebtedness, shall be turned into the general county fund of said Ward county.

Also, by adding the following as section 6 of said bill:

SEC. 6. The Governor of the Territory shall on or before the first day of May, 1887, order an election to be held in that part of the Territory which, by the terms of this act, is detached from McHenry county and attached to Ward county, and shall appoint three judges, residing in said Territory, to conduct said election; said election to be conducted in the same manner as is now provided by the election laws of this Territory, except as hereinafter provided. Notice of said election shall be posted at least twenty days before said election,and shall contain a clause notifying the voters that said election is held for the purpose of giving the qualified voters of said territory an opportunity of voting upon the question of being attached to said Ward county, and the ballots voted at said election shall have written or printed upon them the words: "For annexation to Ward county," or "Against annexation to Ward county," and the returns of said election shall be certified to the Governor, and if a majority of all the votes cast shall be in favor of annexation to Ward county, then said territory shall be attached to said Ward county; and if a majority of votes cast are against annexation to Ward county, then said territory shall be and remain a part of McHenry county; and the governor shall on or before the first of July, 1887, certify the result to the county clerk of Ward county and McHenry county, respectively, and the expenses of said election shall be paid out of of the treasury of the county to which said territory shall hereafter be attached under the provisions of this act.

Also, by adding the following, to be known as sections 7 and 8, viz;

SEC. 7. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage and approval.

Your concurrence in these amendments is respectively requested.

Very respectively,
T A. KINGSBURY,
Chief Clerk.

Mr. Burnham moved

To concur in the amendments of the Council.

Mr. Pruitt moved

That as a substitute that the bill and amendments be referred to the Committee on Counties,

Which motion prevailed.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Committee on Territorial Affairs introduced—

House Bill No. 145, Substitute,

A bill for an act creating a board of trustees, and requiring the Capitol Commission to report and turn over property and papers and disbanding the same.

Which was read the first and second times and ordered printed.

Appropriation Committee introduced—

House Bill No. 327,

A bill for an act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota, at Vermillion, and for other purposes.

Which was read the first and second time.

Also

House Bill No. 328,

A bill for an act to provide funds for furniture, for improving the grounds, for painting and pointing the main building and providing for the deficiency incurred in the years 1883 and 1884 of the University of North Dokota, at Grand Forks.

Which was read the first and second time.

Mr. Fletcher introduced—

House Bill No. 329,

A bill for an act to amend chapter 79 of the General Laws of the Sixteenth Legislative Assembly,

Which was read the first and second time and

Referred to the Judiciary Committee.

Mr. Fletcher introduced—

House Bill No. 330,

A bill for an act to amend chapter 78 of the General Laws of the Sixteenth Legislative Assembly,

Which was read the first and second time and

Referred to Committee on Judiciary.

Mr. Sprague introduced—

House Bill No. 331,

A bill for an act defining the qualifications of teachers and professors employed in the several public educational institutions of this Territory,

Which was read the first and second time and

Referred to the Committee on Education.

Mr. Williams, of Burleigh, introduced—

House Bill No. 332,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freights on material furnished for the construction of the capitol building at Bismarck, D. T.

Which was read the first and second times and
Referred to the Committee on Territorial Affairs.

Mr. Greene introduced—
House Bill No. 333,
A bill for and act for the relief of Myron W. Howe,

Which was read the first and second time and
Referred to the Committee on Appropriations.

Mr. Jones introduced—
House Bill No. 334,
A bill for an act to change place of county seats,

Which was read the first and second time and
Referred to the Committee on Counties.

Mr. Fellows introduced—
House Bill No. 335,
A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps.

Which was read the first and second time and
Referred to the committee on Appropriations.

Mr. Gilbert introduced—
House Bill No. 336,
A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.

Which was read the first and second time and
Referred to the Committee on Appropriations.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 240,
A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

Was read the first and second times and
Referred to the Committee on Insurance.

Council Bill No. 226,
A bill for an act to amend subdivision 3 of section 412, of the Civil Code of the Territory of Dakota,
Was read the first and second times and
Referred to the Committee on Towns and Cities.

Council Bill No. 189,
A bill for an act reviving and making operative, in cer-

tain counties, sections 1098 and 1100 of the Civil Code entitled "Loan of Money,"

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 218,

Introduced by Mr. Washabaugh—

A bill for an act to authorize railroad companies to appoint police officers,

Was read the first and second time and

Referred to the Judiciary Committee.

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Public Health.

Council Bill No. 103,

A bill for an act entitled "an act to repeal an act to amend the charter of the city of Elk Point, Union county, approved March 12, 1885,"

Was read the first and second time and

Referred to the Committee on Towns and Cities.

Council Bill No. 309,

A bill for an act to amend an act entitled "an act to amend chapter 70 of the General Laws of 1885' relating to County Mutual Insurance Companies" approved March 3. 1877.

Was read the first and second time and

Referred to the Committee on Insurance.

Council Bill No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane for the years 1887 and 1888.

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 263,

A bill for an act to amend chapter 75 of the General Laws of 1883 in regard to drainage, as amended by chapter 47 of the general Laws of 1885,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 2,

A bill for an act to regulate grain warehouses, and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto,

Was read the first and second time and
Referred to the Committee on Warehouses.

Council Bill No 216,

A bill for an act to amend section six, of chapter sixty-one, of the session laws of 1881.

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 199,

A bill for an act defining some of the duties of register of deeds in making abstracts of title of land,

Was read the first and second time and
Referred to the Committee on Counties.

Council Bill No. 219,

A bill for an act to amend chapter 81, of the General Laws of 1885,

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness,

Was read the first and second time and
Referred to the Committee on Ways and Means.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs."

Was read the the first and second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane, near Jamestown, Dakota,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 266,

A bill for an act to amend section 5 of chapter 22 of the

General Laws of 1879, entitled "An act authorizing the appointment of shorthand reporters for the district courts of the Territory,"

Was read the first and second times and

Referred to Committee on Judiciary.

INTRDUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Williams, of Burleigh, by unanimous consent, introduced—

House Bill No. 337.

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886,

Which was read the first and second time and

Referred to the Committee on Appropriations.

Mr. Williams of Burleigh, moved

To reconsider the vote by which Council Bill No. 229 was passed.

Mr. Aikens moved

To lay the motion on the table.

Which motion prevailed,

THIRD READING OF COUNCIL BILLS.

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the school of Deaf Mutes, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, 12; not voting, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Adams, Berry, Burnham, Cook, Cooper, Dodds, Elliott, Fletcher, Mallory, McDonell, Williams of Grant, Mr. Speaker.

Absent and not voting:
Messrs. Ely, Hawk, Shook.
So the bill passed and
Its title was agreed to.
Council Bill No. 125,

A bill for an act providing for certain legal printing and fixing the compensation therefor,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 29; nays, 13; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Gilbert, Glendenning, Harkins, Hobart, Mentzer, Miltimore, Moore, Morris, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Berry, Bidlake, Burnham, Fletcher, Hubbard, Mallory, McDonell, Patton of Lawrence, Stewart of Walsh, Sullivan, Williams of Grant, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Ely, Fellows, Greene, Hawk, Jones, Patten of Miner.

So the bill passed, and
Its title was agreed to.

Mr. Aikens moved

That the word "section, 1" be striked out where they occur in said bill and reinserted after the words "Be it enacted by the Legislative Assembly of the Territory of Dakota."

Which motion prevailed and
The amendment was adopted.
Mr. Williams, of Burleigh moved
The previous question on the passage of the bill
Which motion prevailed.
Council Bill No. 224.

A bill for an act to provide funds for the construction and furnishing of a Metallurgical labratory for the School of Mines, at Rapid City, and for other purposes.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 26; nays, 12; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Dodds, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Miltimore, Patton of Lawrence, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, White, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cook, Cooper, Elliott, Mallory, McDonell, Mentzer, Moore, Morris, Terrill, Williams of Grant, Wise.

Absent and not voting:

Messrs. Adams, Dutch, Greene, Hawk, Patten of Miner, Pruitt, Schnaidt, Shook, Ward.

Mr. Ely being excused.

So the bill passed, and

Its title was agreed to.

SECOND READING OF HOUSE BILLS.

House Bill No. 300,

A bill for an act to provide for the construction and management of artesian wells in this territory and to provide a mode of paying for the same.

Was read the second time and ordered to its third reading.

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 36; nays, 1; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Sullivan.

Absent and not voting:

Messrs. Berry, Burnham, Ensign, Fellows, Hawk, Jones, Patton of Lawrence, Patten of Miner, Pruitt, Terrill.

Mr. Ely being excused.

So the bill passed and

Its title was agreed to.

THIRD READING OF HOUSE BILLS.

House Bill No. 267,

A bill for an act to provide for an equal distribution of cars to shippers by railroad companies,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes 32; nays, none; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Mallory, McDonell, Miltimore, Morris, Patton of Lawrence, Pruitt, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dodds, Dutch, Ensign, Fellows, Greene, Hawk, Hubbard, Jones, Mentzer, Moore, Patten of Miner, Royer, Ruggles, Stewart of Walsh, Wolzmuth.

Mr. Ely being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 108,

A bill for an act relating to the office of notaries public,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 40; nays, 1; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant,

Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Patton of Lawrence.

Absent and not voting:

Messrs. Berry, Fellows, Hawk, Patten of Miner, Royer, Terrill.

Mr Ely being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 116,

A bill for an act to amend section 7, of chapter 63, of the general laws of 1885,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, 1; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Greene.

Absent and not voting:

Messrs. Aikens, Berry, Fellows, Hawk, Jones, Mentzer, Pruitt, Sullivan, Terrill, White.

Mr. Ely being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 125,

A bill for an act to prevent trespass by hunters and others,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 9; not voting, 4.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Berry, Fellows, Greene, McDonell, Pruitt, Royer, Schnaidt, Williams of Burleigh.

Absent and not voting:
Messrs. Hawk, Stewart of Fall River, White.

Mr. Ely being excused.

So the bill passed and
Its title was agreed to.

Mr. Williams of Burleigh, moved
To reconsider the vote by which House Bill No. 67 passed.

Mr. Bidlake moved
To lay the motion on the table,
Which motion prevailed.

Mr. Adams moved
To reconsider the vote by which House Bill No. 8 was passed and to lay the motion to reconsider on the table,
Which motion prevailed.

Mr. Mallory moved
To reconsider the vote by which House Bill No. 125 was passed and to lay the motion to reconsider on the table,
Which motion prevailed.

Mr. Mentzer moved
That the further consideration of House Bill No. 152 be indefinitely postponed,
Which motion was lost.
Mr. Williams of Burleigh, moved
That the rules be suspended and that Council Bill No. 119 be made a special order for to-day at 4 o'clock p. m.
Which motion was lost.
Mr. Fellows, by request, introduced—
House Bill No. 339,

A bill for an act making an appropriation to pay for the printing of the second annual report of the board of railroad commissioners,

Which was read the first and second time and
Referred to the Committee on Appropriations.

The house took a recess until 8 o'clock p. m.

House Bill No. 152,

A bill for an act to to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 16; nays, 22; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Cook, Cooper, Elliott, Glendenning, Jones, McDonell, Moore, Morris, Sprague, Stewart of Walsh, Ward, White, Williams of Grant, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Dutch, Ensign, Fletcher, Gilbert, Greene, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Pruitt, Royer, Ruggles, Schnaidt, Sullivan, Terrill, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Burnham, Dodds, Fellows, Hawk, Mallory, Patton of Lawrence, Patten of Miner, Shook, Stewart of Fall River.

Mr. Ely being excused.

So the bill was lost.

House Bill No. 154,

A bill for an act to repeal article 1, chapter 11, and sections 721 and 733, and sections inclusive of chapter 35 of the Code of Civil Procedure,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, none; not voting, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cooper, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Dodds, Ensign, Fellows, Hawk, Hubbard, Jones, Mallory, McDonell, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Shook, Stewart of Fall River.

Mr. Ely being excused.

So the bill passed and

Its title was agreed to.

Mr. Patten of Miner, by unanimous consent, introduced—

Joint Resolution asking the return of House Bill No. 241, for amendments.

Mr. Dodds moved

To reconsider the vote by which the Joint Resolution was passed and to lay the motion to reconsider on the table,

Which motion prevailed.

Mr. Burnham moved

To reconsider the vote by which House Bill No. 154 was passed and to lay the motion to reconsider on the table.

Motion withdrawn.

Mr. Williams of Burleigh, moved

To reconsider the vote by which House Bill No. 152 was lost be reconsidered and that the motion to reconsider be laid on the table.

Joint Resolution No. 338,

Recalling House Bill No. 241 from the Governor for correction,

Was read the third time and placed upon its final passage.

The roll being called, there were, ayes, 38; nays, 1; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Bidlake.

Absent and not voting:

Messrs. Cook, Fellows, Greene, Hawk, Jones, Patton of Lawrence, Schnaidt, Stewart of Fall River, Mr. Ely being excused.

So the joint resolution was adopted.

House Bill No. 162,

A bill for an act to compensate the owners of glandered horses which have been killed by order of county boards of health,

Was read the third time.

Mr. Aikens moved

That the further consideration of this bill be indefinitely postponed..

Which motion prevailed.

House Bill No. 180,

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer. Ruggles, Schnaidt, Shook, Sprague, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cooper, Elliott, Greene, Hawk, Pruitt, Stewart of Fall River, Stewart of Walsh, Sullivan, White, Williams of Burleigh.

Mr. Ely being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 188,

A bill for an act to repeal chapter 66 of the General Laws of 1885,

Was read the third time and placed on its final passage.

Mr. Bidlake moved

That the further consideration of the bill be indefinitely postponed.

Yeas and nays demanded.

The roll being called there were ayes, 30; nays, 14; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Pruitt, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Berry, Cook, Cooper, Harkins, Hobart, Mallory, Morris, Patton of Lawrence, Royer, Ruggles, Shook, Terrill, White, Mr. Speaker.

Absent and not voting:

Messrs. Dutch, Hawk, Jones.

Mr. Ely being excused.

So the motion to indefinitely postpone House Bill No. 188 prevailed.

Mr. Sullivan moved

To reconsider the vote by which the motion prevailed and to lay the motion on the table,

Which motion prevailed.

Call of the House demanded on the motion to postpone indefinitely the further consideration of House Bill No. 188.

Mr. Aikens moved

That further consideration under the call be dispensed with,

Which motion prevailed.

House Bill No. 191,

A bill for an act to provide funds and appropriate the same for the purpose of building shops and barn, and purchasing land for the School of Deaf Mutes,

Was read the third time and placed on its final passage.

Mr. Mentzer moved to postpone indefinitely the further consideration of the bill,

Which motion prevailed.

House Bill No. 194,

A bill for an act to amend sections 1 and 15 of chapter 41 of the Laws of 1881,

Was read the third time and placed upon its final passage.

Mr. Patton of Lawrence, moved

That further consideration of the bill be indefinitely postponed,

Which motion prevailed.

House Bill No. 199,

A bill for an act to regulate attorneys' fees in case of foreclosure of chattel mortgages by advertisement,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, 2; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton of Lawrence, Schnaidt.

Absent and not voting:

Messrs. Adams, Berry, Dutch, Ensign, Fellows, Hawk, Jones, McDonell, Moore, Morris, Patten of Miner, Shook, Stewart of Walsh, Wyman.

Mr. Ely being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 34; nays, 1; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Menttzer, Miltimore, Moore, Morris, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Patton of Lawrence.

Absent and not voting:
Messrs. Adams, Berry, Dutch, Ensign, Hawk, Patten of Miner, Pruitt, Royer, Shook, Stewart of Fall River, Sullivan, White,

Mr. Ely, being excused.

So the bill passed and
Its title was agreed to.

Mr. Fletcher moved
That House Bill No. 48 with the Council amendments be referred to a special committee of three appointed by the speaker,
Which motion prevailed and
The speaker appointed Messrs. Fletcher, Mallory and Sprague as such committee.

The speaker announced his signature to House Bills Nos. 146, 303 and 245.

Mr. Morris moved
That House Bill No. 172 be recalled from the Committee on Counties,
Which motion prevailed.

Mr. Mentzer moved
To concur in the Council amendments to House Bill No. 172,
Which motion prevailed.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 236,
Introduced by Mr. Dodge—
A bill for an act to provide for refunding the outstnding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota,
Was read the first and second time and
Referred to the Committee on Ways and Means.

Council Bill No. 230,
Introduced by Mr. Grigsby—
A bill for an act making appropriations for the mainte-

tenance of the School of Deaf Mutes at Sioux Falls, Dakota,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 313,
Introduced by Mr. Grigsby—
A bill for an act amending chapter 26 of the Special Laws of 1883, and repealing portions of chapter 56 of Laws of 1881, relating to government and maintenance of the School for Deaf Mutes at Sioux Falls, D. T.,
Was read the first and second time and
Referred to the Committee on Charitable Institutions.

Council Bill No. 174.
Introduced by Mr. Campbell, by request—
A bill for an act to reimburse and pay George Lilly for moneys advanced to complete a portion of certain public buildings,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 176.
Introduced by Mr. Matthews—
A bill for an act to reimburse and pay George W. Hopp moneys advanced by him to pay for the plans and specifications for public buildings.
Was read the first and second time, and
Referred to the Committee on appropriations.

Council Bill No. 275,
Introduced by Mr. Matthews—
A bill for an act entitled "an act to provide for the government of the Agricultural College and Experiment Station for the Territory of Dakota."
Was read the first and second time, and
Referred to the Committee on Agriculture.

House Bill No. 219,
A bill for an act to amend section 11, chapter 23 of the Political Code,
Was read the third time and placed upon its final passage.
The roll being called there were ayes, 30; nays, 3; not voting, 15.
Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Elliott, Ensign, Gilbert, Glendenning, Harkins, Hobart,

Hubbard, Mallory, Mentzer, Miltimore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Cooper, Fellows, Terrill.

Absent and not voting:

Messrs. Fletcher, Greene, Jones, McDonell, Pruitt, Shook, Sullivan, Williams of Burleigh,

Messrs. Dutch, Ely, Hawk, Moore, Patton of Lawrence, and Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 223,

A bill for an act to establish a joint school district in the counties of Deuel and Hamlin,

Was read the third time.

Mr. Harkins moved

To indefinitely postpone the further consideration of the bill,

Which motion prevailed.

So the bill was indefinitely postponed.

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors, and defining their duties,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 24; nays, 2; not voting, 22.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Fellows, Gilbert, Glendenning, Harkins, Hubbard, Mallory, Mentzer, Miltimore, Morris, Patten of Miner, Royer, Sprague, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. McDonell, Ruggles.

Absent and not voting:

Messrs. Adams, Aikens, Elliott, Ensign, Fletcher, Hobart, Jones, Pruitt, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Burleigh.

Messrs. Dutch, Ely, Greene, Hawk, Moore, Patton of Lawrence, Terrill and Williams of Grant being excused.

So the bill passed, and
Its title was agreed to.

House Bill No. 240,
A joint resolution declaring in favor of admission and division,
Was read the third time and placed on its final passage.
Mr. Ruggles moved
To indefinitely postpone the further consideration of the bill.

Yeas and nays demanded.

The roll being called, there were ayes, 19; nays; 16, not voting, 10.
Those who veted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ensign, Fellows, Gilbert, Harkins, Hubbard, Mallory, Mentzer, Miltimore, Ruggles, Shook, Sprague, Stewart of Wyman.

Those who voted in the negative were:
Messrs. Aikens, Berry, Cooper, Glendenning, Greene, Hobart, Jones, McDonell, Morris, Patton of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Sullivan, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:
Messrs. Fletcher, Hawk, Williams of Burleigh.

Messrs. Dutch, Ely, Moore, Patton of Lawrence, Terrill, and Williams of Grant being excused.

So the motion to indefinitely postpone was lost.

Mr. Fellows moved
To recommit House Bill No. 240 to the Commitee on Federal Relations.

The previous question was moved and seconded and prevailed.

Yeas and nays demanded on the motion to commit,

The roll being called there were ayes, 19; nays, 19; not voting, 10.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ensign, Fellows, Gilbert, Harkins. Hubbard, Mallory, Mentzer, Miltimore, Ruggles, Shook, Sprague, Stewart of Walsh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Glendenning, Greene, Hobart, Jones, McDonell, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Sullivan, Ward, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:
Messrs. Fletcher, Hawk, Williams of Burleigh.

Messrs. Dutch, Ely, Moore, Patton of Lawrence, Terrill and Williams of Grant being excused.

So the motion to recommit was lost.

Mr. Williams of Burleigh moved
To commit the bill to a special committee, consisting of Messrs. Aikens, Patten of Miner and Hobart, with leave to report at any time,
Which motion prevailed.

House Bill No. 242,
A bill for an act to authorize railway companies to appoint police officers,
Was read the third time.

Mr. Sullivan moved
That the further consideration of the bill be indefinitely postponed,
Which motion prevailed.

Mr. Elliott, by unanimous consent, introduced—
House Bill No. 340,
A bill for an act to amend section 677 of the Code of Civil Procedure of the Territory of Dakota,
Which was read the first and second time and
Referred to the Committee on Railroads.

Mr. Fellows, by unanimous consent, introduced—
House Bill No. 339,
A bill for an act making an appropriation to pay for the printing of the second annual report of the board of railroad commissioners,
Which was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 255,
A bill for an act to enable towns and cities to change the name, number and boundary of wards,
Was read the third time and placed upon its final passage.
The roll being called there were ayes 25; nays, 10; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hobart, Mallory, Mentzer, Miltimore, Royer, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Cooper, Elliott, Greene, Jones, McDonell, Patton of Lawrence, White, Williams of Burleigh.

Absent and not voting:

Messrs. Hubbard, Morris, Patten of Miner, Pruitt, Schnaidt, Shook.

Messrs. Dutch, Ely, Fletcher, Hawk, Moore, Terrill and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 265,

A bill for an act entitled "An act amending an act establishing a territorial university at Grand Forks, Dakota,"

Was read the third time and placed upon its final passage.

Mr. Fellows moved

That House Bill No. 265 be committed to a special committee consisting of Messrs. Williams of Burleigh, Ensign and Wyman, with leave to report at any time.

Which motion prevailed,

House Bill No. 273,

A memorial to Congress praying for the construction of a dam for the improvement of navigation on Red River,

Was read the third time, and placed upon its final passage.

The roll being called there were ayes, 33; nays, 5; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Ensign, Gilbert, Glendenning, Greene, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Elliott, Harkins, Jones, Schnaidt.

Absent and not voting:

Messrs. Fellows. Fletcher, Patten of Miner, Ward.

Messrs. Dutch, Ely, Hawk, Moore, Terrill and Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 35; nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Cooper, Dodds, Elliott, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, White, Williams of Burieigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bidlake, Ely, Fletcher, Greene, Hubbard, Patten of Miner, Ward.

Messrs. Dutch, Hawk, Moore, Terrill and Williams of Grant being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Was read the third time and placed on its final passage.

The roll being called there were ayes 34; nays 2; not voting 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Elliott. Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris. Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Ward, White, Wise, Wolzmuth, Wyman. Mr. Speaker.

Those who voted in the negative were:
Messrs. Patton of Lawrence, Williams of Burleigh.

Absent and not voting:
Messrs. Adams, Burnham, Hubbard, Sullivan.

Messrs. Dutch, Ely, Fletcher, Hawk, Moore, Stewart of Fall River, Terrill, Williams of Grant, being excused.

So the bill passed and
Its title was agreed to.

Mr. Mentzer moved
To reconsider the vote by which House Bills Nos. 275, 219 and 276 were passed, and the motion to reconsider be laid on the table,
Which motion prevailed.

The following report was presented:

MR. SPEAKER:
Your special committee to which was committed
House Bill No. 240
Would report as follows:
Strike out all in second resolution after the word "courageous" in lines three and four,
And as amended we recommend that the bill do pass.

FRANK R. AIKENS,
J. H. PATTEN,
JOHN HOBART.

Mr. Sullivan moved
To adopt the report of the committee and the bill be placed on its final passage,
Which motion prevailed.

House Bill No. 240,
A joint resolution declaring in favor of division and admission,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 23; nays, 15; not voting, 11.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Cooper, Gilbert, Glendenning, Greene, Harkins, Hobart, Jones, Miltimore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Elliott, Ensign, Fellows, Mallory, McDonell, Patton of Lawrence, Ruggles, Shook, Stewart of Walsh, Wyman.

Absent and not voting:
Messrs. Dodds, Hubbard, Mentzer, Sprague.

Messrs. Dutch, Ely, Fletcher, Hawk, Moore, Terrill and Williams of Grant being excused.

To the joint resolution was passed, and
Its title was agreed to.

Mr. Williams of Burleigh, moved
The previous question on the passage of House Bill No. 327,
Which motion prevailed.

House Bill No. 327,
A bill for an act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota at Vermillion and for other purposes,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, 3; not voting, 12.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Cook, Cooper, Dodds, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Adams, Bidlake, Burnham.

Absent and not voting:
Messrs. Dutch, Fletcher, Mallory, McDonell, Pruitt, Shook, Stewart of Walsh.

Messrs. Ely, Hawk, Moore, Terrill and Williams of Grant, being excused.

So the bill passed and
Its title was agreed to.
House Bill No. 328,
A bill for an act to provide funds for improving the grounds, for painting and pointing the main building and providing for the deficiency incurred in the years 1883 and 1884 of the University of North Dakota at Grand Forks, Dakota,

Was read the third time and placed on its final passage,

The roll being called there were ayes, 33; nays 2; not voting 13.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River. Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Cooper.

Absent and not voting:

Messrs. Dutch, Elliott, Fletcher, Mallory, McDonell, Pruitt, Shook, Stewart of Walsh, Terrill.

Messrs. Ely, Hawk, Moore and Williams of Grant being excused.

So the bill passed and

Its title was agreed to.

Mr. Williams, of Burleigh, moved

To suspend the rules and that Council Bill No. 119 be read the third time and placed on its final passage,

Which motion prevailed.

Mr. White moved

The adoption of the amendments proposed by the Judiciary Committee.

Mr. Williams, of Burleigh, moved

As an amendment, that the first amendment be adopted,

Which motion prevailed.

Mr. White moved

That the second amendment be adopted,

Which motion was lost.

The previous question was moved, seconded and prevailed.

House Bill No. 119,

A bill for an act creating liens on the crops of persons buying seed on credit, and providing the manner of filing and foreclosing the same,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 23; nays. 15; not voting, 10.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Fellows, Glendenning, Greene, Harkins, Miltimore, Morris, Patten of Miner, Pruitt, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Elliott, Gilbert, Hobart, Hubbard, Jones, McDonell, Mentzer, Patton of Lawrence, Schnaidt, Stewart of Fall River, Wolzmuth.

Absent and not voting:

Messrs. Dutch, Ely, Ensign, Fletcher, Moore, Royer.

Messrs. Hawk, Mallory, Terrill and Williams of Grant, being excused.

So the bill passed and

Its title was agreed to.

Mr. Williams moved

To reconsider the vote by which Council Bill No. 119 was passed and that the motion be laid upon the table.

Which motion prevailed.

Mr. Mentzer moved

To adjourn.

Which motion was lost.

Mr. Fellows moved

That the vote by which House Bills Nos. 327, 328 and 225 and all bills passed by this House this day might be reconsidered and that the motion be laid on the table.

Which motion prevailed.

The speaker announced his signature to House Bills Nos. 216 and 338.

The following reports were presented:

MR. SPEAKER:

The Committtee on Engrossed and Enrolled Bills have examined

House Bills Nos. 116, 180, 67,

And find the same correctly engrossed.

A. J. PRUITT.
Chairman.

MR. SPEAKER:

The Judiciary Committee to whom was referred
House Bill No. 239,

A bill for an act to provide for the re-location of county seats in counties where county seats have been located by a vote less than a majority of all the electors therein,

Have had the same under consideration, and report it back to the House with amendments thereto attached, and recommend the passage of the bill as amended.

FRANK R. AIKENS.
Chairman.

Amendments to House Bill No. 239:

First. Amend section 1, line eight, of the printed bill, by striking out the word "seventeenth" and insert in lieu thereof the word "twelfth;" same section, line nine, by striking out the word "May" and insert in lieu thereof the word "July;" same section by adding the following at the end of said section:

Provided, that such election shall not be held in any county unless there shall be presented to the judge of the district court of the district in which such county is situated, or in his absence from such district or his inability to act, to the chief justice of said Territory, a petition signed by at least one-third in number of the electors of said county, as shown by the vote cast at the last general election, praying said judge to issue an order directing the holding of said election as provided in this act.

If said judge shall find that said petition is signed by one-third of the electors of said county, as above provided, he shall issue an order directing said election to be held in accordance with the provisions of this act.

Second. Amend section 2 by inserting the following after the word "counties" in line two:

Upon being duly served with a copy of the order made by the judge, as provided in section 1 of this act.

Mr. Ruggles moved

That the report of the committee be adopted, that the rules be suspended and the bill placed on its third reading and final passage.

The motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 8,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

Mr. Williams moved
That Council Bill No. 219 be reported from the Judiciary Committee without recommendation.

The previous question was moved on House Bill No. 239, seconded, and lost.

Mr. Mentzer moved
To reconsider the vote by which House Bill No. 239 was passed, and that the motion be laid on the table.

Mr. Mentzer moved
To adjourn,
Which motion was lost,

Mr. Gilbert moved
That the rules be suspended and that Council Bill No. 107 be read the first, second and third times and placed upon its final passage,
Which motion prevailed.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined
House Bill No. 154,
And report the same properly engrossed.

A. J. PRUITT,
Chairman.

House Bill No. 239.
A bill for an act entitled "An act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 24; nays, 10; not voting, 14.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Elliott, Ensign, Fellows, Gilbert, Glendenning, Hubbard, Jones, McDonnell, Mentzer, Miltimore, Patton of Lawrence, Pruitt, Ruggles, Stewart of Fall River, White, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:
Messrs. Cook, Cooper, Fletcher, Harkins, Patten of Miner, Shook, Sprague, Ward, Wise, Mr. Speaker.

Absent and not voting:
Messrs. Dutch, Ely, Greene, Hawk, Hobart, Mallory, Moore, Morris, Royer, Schnaidt, Stewart of Walsh, Sullivan, Terrill, Williams of Grant.

So the bill passed, and
Its title was agreed to.

Council Bill No. 107,
A bill for an act restoring Henry Muchow to rights of citizenship,
Was read the third time and placed on its final passage.

The roll being called there were ayes 31; nays 2; not voting 15.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Burnham, Cook, Dodds, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Cooper, Fletcher.

Absent and not voting;
Messrs. Adams, Bidlake, Elliott, Fellows, Mallory, McDonell, Royer, Schnaidt, Ward.

Messrs. Dutch, Ely, Hawk, Moore, Terrill, Williams of Grant, being excused.

So the bill passed and
Its title was agreed to.

Mr. Adams moved
That Council Bill No. 219 be refered to general orders.
Which motion prevailed.
Mr Mentzer moved to adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-SEVENTH DAY.

BISMARCK, March 8, 1887.

House assembled at 1:30 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present except Mr. Hawk, excused.

The committe to revise and correct the Journal made the following report:

MR. SPEAKER:

Your Committee to revise and correct the Journal have examined that of March 5, 1887, and find the same correct as printed, and recommend its approval.

C. I. MILTIMORE,
J. G. HAMILTON.

Which report was adopted, and the Journal of March 5th approved.

PETITIONS AND COMMUNICATIONS.

The following petitions were presented by Mr. Williams of Burleigh, as a part of resolution in previous day regarding House Bill No. 147:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

We the citizens of Hughes, Sully and Potter counties, do on the account of failure of crops and of drouth and by having our crops destroyed by fire do appeal to the Honorable Members of the Legislature of Dakota, now in Session at Bismarck, who are representing the interest of the Territory of Dakota and especially the citizens of Dakota, to pass a bill to appropriate an amount of money to be placed in the hands of responsible persons or corporation or as the legislature deem best to be expended for seed wheat for the farmers of Hughes, Sully and Potter counties who are not able to buy seed wheat, this said wheat to be returned in the fall of this same year 1887, bushel for bushel or value for value in wheat.

Hoping that you as Honorable Members of the Legislature of the Territory of Dakota representing the interests of us citizens of Dakota, will consider our present financial circumstances and give our petition your kind attention.

We are most affectionately yours,
J. G. MILLS, et al.

To the Honorable M. L. McCormack, Secretary of Dakota Territory:

DEAR SIR: We, the undersigned petitioners of Walsh county and Territory of Dakota, who live in the township of Latona, do hereby ask of you to favor us with your influence before the Legislature, in our behalf. We are completely hailed out this last summer and have no way of obtaining seed for our land this year, unless something can be done for us. Most of the farmers in this vicinity are very poor and have newly settled in this part. We do not know if we have any right to ask of you this favor or not; but if it be possible to help us, please do so, and you will confer a great favor upon us,

Your humble petitioners,
WILLIAM SPARROW et al.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

Your Committee on Railroads, to whom was referred House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Report that they have had the same under consideration and recommend the following amendments:

Strike out sections 2, 3, 4, 5 and 6 and number section 7 "section 2" and section 8 "section 2," and as so amended we recommend that the bill do pass.

JOHN HOBART,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 5:30 p. m. of this day,
House Bill No. 239,
Was delivered to his Excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined
House Bill No. 189,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined
House Bills Nos. 295 and 183,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined
House Bills No. 288 and 274.
And find the same correctly engrossed.

S. S. STEWART,
Chairman Pro Tem.

MR. SPEAKER:

Your Committee on Engrossed and Enrolled Bills have examined
House Bill No. 239,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Charitable Institutions, to whom was referred

Council Bill No. 313,

A bill for an act amending chapter 26 of the Special Laws of 1883 and repealing portions of chapter 56 of the Laws of 1881, relating to the government and maintenance of the School of Deaf Mutes,

And recommend that the bill do pass, without amendments.

JOHN R. DUTCH,
Chairman.

MR. SPEAKER:

The Committee on Territorial Affairs having examined Council Bills Nos. 7, 217 and 263,

Recommend that they do pass as amended in the Council,

Also,

House Bills Nos. 320 and 318,

And recommend their passage.

We recommend that

House Bill No. 332,

Be referred to the Committee on Appropriations.

DONALD STEWART,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means, to whom was referred

Substitute for Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota,

Beg leave to report as follows:

Amend by striking out the word "incorporated" where it occurs in line 3, also in lines 7 and 10 of the original bill, in section 1.

Also, strike out the words, "an incorporated," where they occur in the eighth line of section 3, and insert the word "a" in lieu thereof.

Also, strike out the word "incorporated" where it occurs in the third line of section 7,

And as so amended recommend that the bill do pass.

A. S. STEWART,
Chairman.

Mr. Burnham moved
To adopt the report of the committee,
Which motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 4 p. m. of this day,

House Bill No. 59,

Was delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 59,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committtee on Engrossed and Enrolled Bills have examined

House Bill No. 241,

And find the same correctly engrossed.

A. J. PRUITT.
Chairman

MR. SPEAKER:

Your Committee on Warehouses, Grain Grading and Dealing to whom was referred,

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto,

Return the same with the recommendation that the bill do pass.

M. H. COOPER,
Chairman.

MR. SPEAKER:

The Judiciary Committee submit the following report:

They recommend the passage of the following bills:

Council Bill No. 189,

A bill for an act reviving and making operative in certain counties, Sections 1,098 and 1,100 of the Civil Code.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code, relating to corporations.

Council Bill No 216,

A bill for an act to amend section six, of chapter sixty-one, of the session laws of 1881.

Council Bill No 266,

A bill for an act to amend section 5 of chapter 52 of the General Laws of 1879, entitled "An act authorizing the appointment of shorthand reporters for the district courts of the Territory."

House Bill No 315,

A bill for an act requiring abstractors or others making abstracts to the title of real estate.

They recommend that

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same, be amended by adding to section 1 the following proviso: "Provided, further, that the consent of the general government to span said river shall first have been obtained."

They also recommend the passage of the following bills with the amendments submitted herewith and attached to the several bills:

Council Bill No. 150,

A bill for an act to amend sections 2, 3, 4, 5, 8, 9, and 10 of chapter 34 of the Laws of 1885, entitled "an act to provide for the incorporation and regulation of building and loan associations."

Council bill No. 58,

A bill for an act to amend section 29 of of chapter 21 of the Political Code in relation to the organization of counties and the appointment, election, powers and duties of county officers.

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Judiciary, to whom was referred Council Bill No. 9, A bill for an act amending chapter 40 of the the Special Laws of the Fifteenth General Assembly,

Together with the message of the Governor returning the same without his approval, most respectfully submit the following report:

That the committee do not consider the reasons given for the disapproval of said bill sufficient to warrant such action, for the reason that the title and body of the bill could not be more explicit in referring to the act which it seeks to amend, referring, as it does, to that portion of the printed laws, duly authenticated, under the designation of "Special Laws," and divided into separate chapters with specific numbers. The reference in the title of said bill to the act which it seeks to amend is, in the opinion of the committee, sufficiently definite to indicate the law which is desired to be amended.

For the above reasons, the committee recommend that the bill do pass, the objections of the Governor notwithstanding.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

Your Committee on Banking to whom was referred
Council Bill No. 198,
Report as follows:

In line 20, of section 5, of written bill, strike out the word "insanity" and insert in lieu thereof the word "incapacity."

Strike out section 13 and insert in lieu thereof the following:

SEC. 13, The penalty for taking, receiving or charging a rate of interest greater than is allowed by the preceding section shall be the same as is now or may hereafter be prescribed by law.

Add to section 14 the following:

All fines and penalties so received as herein provided for shall be paid into the territorlal treasury.

That section 16 be stricken out.

That section 17 be numbered section 16.

That section 18 be numbered section 17.

That section 19 be numbered section 18.

And that as amended recommend that the bill do pass.

J. H. PATTEN,
Chairman.

MR. SPEAKER:

Your Committee on Public Health have the honor to report that they have examined,

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota,

And recommend that said bill be amended as follows:

By striking out the following clause in section 12, after the words, "nor prevent shopkeepers" "whose place of business is more than one mile from a drug store or apothecary shop."

And in section 13, after the words "authorized or recognized by," strike out the words "the pharmacopocia of the United States," and insert in lieu thereof "any standard work on pharmacy,"

And with these amendments, recommend that said bill do pass.

Also,

That we have examined

House Bill No. 10,

A bill of the same character as said Council Bill No. 20,

And recommend that said bill be indefinitely postponed.

Also,

House Bill No. 120,

A bill for an act to prevent the spread of contagious diseases among live stock, and

House Bill No. 202,

A bill for an act to prevent and suppress the spread of infectious disease among domestic animals,

And do recommend that both of said bills be indefinitely postponed.

Also,

House Bill No. 205,

A bill for an act to prohibit the traffic in hogs infected with swine plague or hog cholera and to prevent the spread of the same,

And recômmed that said bill be indefinitely postponed.

D. W. ENSIGN,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 2 p, m. of this day,

House Bills Nos. 146, 216 338,

Were delivered to his Excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Counties, to whom was referred

Council Bill No. 267,

A bill for an act entitled, "an act to amend an act entitled an act to provide for the appointment of a county clerk for Yankton county and to define his duties."

Respectfully report consideration of the bill and recommend that it do pass.

Also,

Council Bill No. 249,

A bill for an act defining the boundaries of Cavalier county and for other purposes,

And recommend that the bill do pass.

Also,

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

And recommend that the bill do pass as amended.

Your committee respectfully beg leave to further recommend that these bills all be placed upon their third reading and final passage under suspension of the rules.

JAMES M. MOORE,
Chairman,

Mr. Mentzer moved

The adoption of the report.

Which motion prevailed.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 276, 199, 211 and 125,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 338,

And find the same properly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Agriculture to whom was referred Council Bill No. 275,

A bill for an act entitled an act to provide for the government of the agricultural college and experimental station for the Territory of Dakota,

Report that they have considered the same and recommend that it do pass.

J. V. WHITE
Chairman.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER:

Your committee to whom was referred Council Bill No. 121,

After having carefully considered the same beg leave to report the following amendments, in which reference is made to the printed bill and recommend the immediate adoption of the said amendments. and that the bill when so amended be read the third time and placed upon its final passage.

Amend article 4, section 1, subdivision 5, line thirteen by striking out the word "five" and figure "5," and insert therein the word "four" and figure "4," and add to said subdivision the following words: "Provided, no bonds shall be issued by said city council under the provisions of this act either for general or special purposes, unless at an election after twenty days notice in a newspaper published in the city, stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of said city by a majority shall determine in favor of issuing said bonds.

Amend section 3 of article 4, by adding thereto the following words: "Provided that one-third of the moneys received for licensing the sale of malt, spirituous, vinuous and intoxicating or fermented liquors shall, when collected be paid to the county treasurer, to be paid to the credit of the county general fund."

Insert after the words "natural" the words "or artificial."

Article 4, section 1, subdivision 34. line 104, strike out "three" and insert "one."

Strike out the following words in article 2, section 7, line two viz., "by and with the consent of theCouncil."

Amend section 1, article 10, of printed bill by striking out the words "that may arise within the corporate limits of said city,"

Also, striking out the words "or criminal offense against the laws of the Territory" in line seven of said section 1.

Amend section 9, of article 10 by striking out the words "except in cases that by jury" in the third line thereof.

Amend section 11, article 10, by striking out the words "elect a justice" in line two and insert therein the words "call a special election."

Amend section 34, of article 15, by striking out of line eight, the word "conclusive" and insert the word "presumptive."

The committee recommend its passage as amended.

Your committee further recommend that the further consideration of

House Bill No. 155,

Relating to the same subject be indefinitely postponed.

W. H. FELLOWS,
Chairman.

Mr. Mentzer moved

To adopt the report of the Committee on

Council Bill No. 121.

Which motion prevailed.

Mr. Fellows moved

To adopt the amendments to the bill,

Which motion prevailed.

Mr. Patten of Miner moved

That the rules be suspended and that

House Bill No. 241,

Recalled from the Governor, be amended as follows:

Amend the title of House Bill No. 241 by striking out of the title the words "and dormitory."

Amend line three of section 1 by striking out the words "and dormitory."

Also, in lines nine and ten strike out words "fifty-five thousand" and insert in lieu thereof the words "thirty-five thousand eight hundred."

Also, section 6, line sixteen, strike out words "for dormitory as."

Also, strike out all of lines 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, and in line 28 the word "dollars."

Strike out all of section 7 and insert in lieu thereof the following:

SEC. 7. The territorial auditor is hereby authorized and empowered to hear, determine, audit and allow such sum or sums of money out of the amount realized from the appropriation, as made in section 6 of this act, as will be sufficient to indemnify and repay persons and the city of Madison the amount of claims held by said persons, and bonds issued by the city of Madison, to erect the building now standing on the Normal School grounds, in place of the one destroyed by fire, and for other purposes designated in section 6 of this act, not exceeding the amount of the appropriation herein, and to pay such sum or sums to said persons and the amount due said city of Madison to the city treasurer of said city, upon the said persons and the city of Madison executing a release to the Territory of Dakota of all claims against the Territory, by reason of any expenditure or liability that said persons and said city may have incurred in the erection of said Normal school building, and to likewise take the receipt of said persons and said city treasurer for such payment; and the said auditor is empowered to issue his warrants upon the territorial treasurer for such sum or sums as he may allow, and the treasurer is hereby directed to pay the amounts mentioned in said warrants out of the funds arising from the sale of the bonds provided for in this act.

And after being so amended, the bill be given its several readings and placed on its final passage.

Which motion prevailed.

House Bill No. 241,

A bill for an act appropriating funds for the Normal School at Madison,

Was read the third time and placed on its final passage.

The roll being called there were ayes 34; nays, 3; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Cook, Cooper, Dodds, Dutch, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Ruggles, Stewart of Walsh.

Absent and not voting:

Messrs. Aikens, Berry, Elliott, Ely, Ensign, Greene, Hawk, Jones, Mallory, Ward, Williams of Grant.

So the bill passed, and

Its title was agreed to.

Mr. Pruitt moved

That the vote by which House Bill No. 241 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Ensign moved

To adopt the report of the Committee on Public Health,

Which motion prevailed.

Mr. Hobart moved

To adopt the report of the Committee on Banking,

Which motion prevailed.

Mr. Pruitt moved

That the report of the Committee on Judiciary be adopted,

Which motion prevailed.

Mr. Pruitt moved

That the amendments proposed by the Committee on Judiciary to all bills reported by them be adopted,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That the rules be suspended and that Council Bill No. 219 be read the third time and placed on its final passage,

Which motion prevailed.

By unanimous consent the following amendments were proposed to the bill and adopted:

Section 6 shall read as follows:

SEC. 6. The fifth subdivision shall consist of the county of Barnes. The district court in and for this subdivision shall be held at the city of Valley City, in the county of Barnes, on the last Tuesday in June of each year.

Section 9 shall read as follows:

SEC. 9. The eighth subdivision shall consist of the counties of Griggs and Steele. The district court in and for this subdivision shall be held at the county seat of Griggs county on the second Tuesday in June of each year.

Section 7 shall be amended by striking out the word "Eddy."

Council Bill No. 219,

A bill for an act to amend chapter 81, of the General Laws of 1885,

Was read the third time and placed on its final passage.

The roll being called there were ayes 41; nays 1; not voting 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott. Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Fletcher.

Absent and not voting:

Messrs. Berry, Hawk, Pruitt, Ruggles, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

Mr. Sullivan moved

That Council Bill No. 100, be taken from general orders and placed on its final passage,

Which motion prevailed.

Mr. Pruitt moved

That the further consideration of the bill be indefinitely postponed.

Yeas and nays amended.

The roll being called there were ayes, 34; nays, 12; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cook, Elliott, Ely Ensign, Fellows, Ruggles, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wyman.

Absent and not voting:
Messrs. Hawk and Shook.

So the motion to indefinitely postpone prevailed.
The following reports were presented:

MR. SPEAKER:

Your committee to whom was referred the amendments made by the Council to
House Bill No. 48,
A bill to provide for the evils of intemperance by local option,
Beg to recommend that said amendments be concurred in by the House.

J. H. FLETCHER,
D. W. SPRAGUE,
H. J. MALLORY.

Mr. Aikens moved the adoption of the report,
Which motion prevailed.

Mr. Cooper moved
To concur in the Council amendments to House Bill No. 48,
Which motion prevailed.

MR. SPEAKER:
The Committee on Education to whom was referred
House Bill No. 331,
Would recommend that the same do pass.

J. K. FLETCHER,
Chairman.

MESSAGES FROM THE COUNCIL.

The following messages were received from the Council:

COUNCIL CHAMBER,
March 8th, 1887.

MR. SPEAKER:

I have the honor to return herewith
House Bill No. 239,

A bill for an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," And to inform you that the Council has concurred in the amendments thereto adopted by your body the 7st inst., and as thus amended has passed the bill.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Council Bill No. 131,

A bill for an act amending chapter 140, of the Session Laws of 1885, and to repeal chapter 10, of the Political Code, fixing terms of the Supreme Court,

Council Bill No. 303,

A bill for an act making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years,

Council Bill No. 296,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Council Bill No. 7,

A bill for an act to create the office of public examiner, defining the duties and dividing the Territory into two examiner districts,

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck.

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes,

Council Bill No. 227 (substitute),

A bill for an act to appropriate funds for the payment of a claim against the Territory of Dakota, for the printing of bills, joint resolutions and memorials for the Legislative Assembly of 1872-3, under authority of a joint resolution entitled "a joint resolution providing for, and the election of, a public printer for the Legislative Assembly and the Territory of Dakota.

Council Bill No. 294,

A bill for an act for the maintenance of the public offices of the Territory.

Council Bill No. 15,

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution, and providing for the government and maintenance of the same,

Council Bill No. 241,

A bill for an act to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as undergraduates applying for licenses to practice medicine in the Territory of Dakota,

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation for the chief clerk of the 10th and 11th sessions of the Legislative Assembly of Dakota,

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 113,

A bill for an act entitled "An act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory,"

Council Bill No. 238,

A bill for an act to provide an allowance to the justices of the Supreme Court of the Territory of Dakota, to defray their traveling expenses,

And to return herewith

House Bill No. 72,

A bill for an act to prohibit the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory of Dakota,

Which has been passed unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

A Concurrent Resolution,

Be it resolved by the Council, the House concurring, that

Council Bill No. 163,

Be recalled from the Governor for the purpose of making some changes in the bill,

The same having been passed by the Council and your concurrence requested.

Very respectfully
T. A. KINGSBURY,
Chief Clerk.

Mr. Aikens moved

To concur in the resolution,

Which motion prevailed.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

House Bill No. 189,

Which the Council have amended by striking out all after the enacting clause and by inserting in lieu thereof as follows, viz:

SEC. 1. That chapter 147 of the General Laws of 1885 be amended so as to read as follows: "There shall be held three terms annually of the supreme court as follows: One term at Redfield, commencing on the first Tuesday of February; one term at Bismarck, commencing on the second Tuesday of May, and one term at Deadwood, commencing on the first Tuesday of October of each year.

SEC. 2. Chapter 10 of the Political Code is hereby repealed."

Also by amending the title by adding thereto the words "and repealing chapter 10 of the Political Code,"

And as amended have passed the bill.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 241,

A bill for an act to provide funds to pay for the construction, heating and furnishing of the Normal School building at Madison, Dakota, and for other purposes,

Which has been passed by the Council as transmitted by the House.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 8, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 91,

A bill for an act to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Patten, of Miner, moved

That the rules be suspended and Council Bill No. 198 be placed on its final passage;

Which motion was lost.

The following reports were presented:

MR. SPEAKER:

Your Committee on Appropriations has had under consideration,

House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota at Grand Forks, Dakota,

And offer the following amendments:

Section 1, line 5, strike out $36,000 and insert $30,600.

Strike out lines 17, 19 and 20.

In line 21 strike out $3,400 and insert $1,000.

Strike out lines 22, 23 and 24,

And recommend the bill pass as amended.

Also,

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota Territory,

And recommend the passage of the same.

Also,

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota at Vermillion, and for other purposes,

And offer the following amendments:

In title of bill strike out the words "and for other purposes."

Section 1, line six, strike out "$1,000" and insert "$3,000."

Strike out line thirteen, and recommend the bill pass as amended.

Also,

House Bill No. 183,

A bill for an act to make appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, and for necessary repairs and improvements,

And amend as follows:

Strike out lines fifteen, sixteen and seventeen.

In line eighteen, section 1, strike out "5,000" and insert "$70,700."

And recommend the bill pass as amended

Also,

House Bill No. 292,

A bill for an act making appropriations for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

And offer the following amendments:

Section 1, in line seven, strike out "$3,000" and insert "$2,400."

In line eight, strike out "$2,400" and insert "$1,800."

In line nine, strike out "$21,600" and insert "$20,000."

In line ten, strike out "$27,040" and insert "$20,000."

In line eleven, strike out "$2,000" and insert "$1,500,"

And recommend the passage of the bill as amended.

Also,

House Bill No. 323,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes,

And offer the following amendments:

In title of bill strike out the words "and for other purposes."

Section 1, in line six, strike out "$18,000" and insert "$16,000."

In line eight, strike out "$3,000" and insert "$1,500."

Strike out lines ten, eleven and twelve, and recommend the passage of the bill as amended.

Also,

Council Bill No. 230,

A bill for an act making appropriations for the maintetenance of the School of Deaf Mutes at Sioux Falls, Dakota,

And recommend the bill do pass.

Also,

Council Bill No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane, for the years 1887 and 1888,

And recommend the passage of the same.

Also,

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for Insane, near Jamestown, Dakota,

And recommend the bill do pass.

Respectfully submitted,
W. N. BERRY,
Chairman.

MR. SPEAKER:

The amendments offered in the report of your Committee on Appropriations are in the main merely to strike out matters that do not properly belong to maintenance bills, and will be introduced as separate bills, and the Committee recommend that the bills be placed on their third reading as amended.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

Your Committee on Judiciary to whom was referred

Council Bill No. 184,

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same, Has had the same under consideration and recommend the following amendment:

Add to section 1 the following:

Provided further: That the consent of the general government to span said river shall first have been obtained.

FRANK R. AIKENS.
Chairman.

MR. SPEAKER:

Your Committee on Counties to whom was referred House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

Have had the same under consideration and recommend the following amendment:

Amend section 1 by adding after the word "district," in line seventeen, the words "accruing since the first day of January, 1884."

JAMES M. MOORE,
Chairman.

MR. SPEAKER:

Your Committee on Judiciary to whom was referred Council Bill No. 150,

A bill for an act to amend section 2, 3, 4, 5, 8 and 9, of chapter 34, of the Laws of 1885, entitled an act to provide for the incorporation and regulation of building and loan associations,

Have had the same under consideration and recommend the following amendments:

Section 1 be amended as follows: Insert after the word "two" in the first line of section 1 the words "of said act be and the same is hereby."

Amend section 2 by inserting after the word "three" in the first line the words "be and the same is hereby amended to read as follows."

Amend section 3 by inserting after the word "four" in the first line the words "be and the same is hereby amended to read as follows."

Amend section 4 by inserting after the word "five" in the first line the words "be and the same is hereby amended to read as follows."

Amend section 5 by inserting after the word "eight" in the first line the words "be and the same is hereby amended to read as follows."

Amend section 6 by inserting after the word "nine" in the first line the words "be and the same is hereby amended to read as follows."

FRANK R. AIKENS,
Chairman.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

Mr. Fellows introduced—

House Bill No. 341,

A joint resolution recalling from the Governor, House Bill No. 303. entitled "an act requiring certain orders,judgments and decrees in probate to be recorded,"

And moved to suspend the rules and read the resolution the second and third times and that it be placed on its final passage,

Which motion prevailed.

Mr. Aikens introduced—

House Bill No. 342,

A bill for an act to establish a public school law of Dakota Territory,

Which was read the first and second time and

Referred to the Committee on Education.

Mr. Wolzmuth introduced—

House Bill No. 344,

A bill for an act supplementary to Council Bill No. 125, entitled "An act providing for certain legal printing and fixing the compensation therefor,"

Which was read the first and second time and

Referred to the Committee on Appropriations.

Mr. Williams of Burleigh, introduced—

House Bill No. 343,

A bill for an act to amend section 1 of chapter 106 of the Session Laws of 1881,

Which was read the first and second time and

Referred to the Committee on Judiciary.

FIRST READING OF COUNCIL BILLS.

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 131,

A bill for an act amending chapter 140 of the Session Laws of 1885, and to repeal chapter 10 of the Political Code, fixing terms of the Supreme Courts.

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 303,

A bill for an act making appropriations for the maintenance of the territorial penitentiary at Sioux Falls, Dakota for the ensuing two years,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 296,

A bill for an act making appropriations for the current and contingent expenses of the territorial penitentiary at Bismarck,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural college for the current years of 1887 and 1888, and for other purposes.

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 227,

A bill for an act to appropriate funds for the payment of a claim against the Territory of Dakota for the printing of bills, joint resolutions and memorials for the Legislative Assembly of 1872–73, under authority of a joint resolution providing for and the election of a public printer for the Legislative Assembly and the Territory of Dakota.

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 7,

A bill for an act to create the office of public examiner, defining the duties and dividing the Territory into two examiner districts,

Was read the the first and second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 15,

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution and providing for the government and maintenance of the same,

Was read the first and second time, and

Referred to the Committee on Appropriations.

Council Bill No. 294,

A bill for an act for maintenance of the public offices of the Territory,

Was read the first and second time, and

Referred to the Committee on appropriations.

THIRD READING OF COUNCIL BILLS

Council Bill No. 121,

A bill for an act to provide for the incorporation of cities,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 24; nays, 17; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Dodds, Elliott, Ensign, Fellows, Glendenning, Greene, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Ruggles, Shook, Sprague, Stewart of Fall River, Terrill, Williams of Burleigh, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Aikens, Berry, Bidlake, Cooper, Dutch, Fletcher, Gilbert, Hubbard, Jones, Patten of Miner, Pruitt, Schnaidt, Stewart of Walsh, Ward, White, Williams of Grant, Mr. Speaker.

Absent and not voting:

Messrs.Cook, Ely, Hawk, Morris, Royer, Sullivan, Wyman.

So the bill passed and

Its title was agreed to.

The Speaker announced his signature to House Bill No. 59.

Mr. Mentzer moved

To reconsider the vote by which Council Bill No. 121 was passed and to lay the motion to reconsider on the table, Which motion was lost.

Mr. Berry moved
That the House concur in the Council amendments to House Bill No. 189,
Which motion prevailed.

Mr, Williams of Burleigh, moved
That all House and Council Bills passed or to be passed this day shall be immediately transmitted to the Council for approval,
Which motion prevailed,

Mr. Harkins moved
That the rules be suspended and that
House Bill No. 295
Be read the third time and placed on its final passage,
Which motion prevailed.

And also moved
That the amendments to said bill reported by the Committee on Military Affairs be adopted,
Which motion prevailed,
And so the amendments were adopted.

Mr. Mallory moved
That the further consideration of the bill be indefinitely postponed.

Mr. Dodds moved
That the motion to indefinitely postpone be laid on the table,
Which motion prevailed.

House Bill No. 295,
A bill for an act to amend an act entitled "an act to amend chapter 30 of the Political Code, relating to the territorial militia,
Was read the third time and placed upon its final passage.
The roll being called there were ayes, 36; nays, 6; not voting, 6.
Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows. Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Morris, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cook, Mallory, Moore, Patton of Lawrence, Terrill, Ward.

Absent and not voting:

Messrs. Greene, Jones, Patten of Miner, Pruitt. White.

Mr. Hawk being excused.

So the bill passed and

Its title was agreed to.

Mr. Cooper moved

That the House do now resolve itself into committee of the whole to consider special orders,

Which motion was lost.

Mr. Berry moved

To adopt the report of the Committee on Appropriations, except that portion relating to the Bismarck penitentiary.

Council Bill No. 243,

A bill for an act making an appropriation for maintaining the Dakota Hospital for the Insane for the years 1887 and 1888,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 36; nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cooper, Dutch, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Hawk, Pruitt, Stewart of Walsh. Williams of Burleigh.

So the bill passed and

Its title was agreed to.

Council Bill No. 150,

A bill for an act to amend sections 2 3, 4, 5, 8, 9 and 10 of chapter 34 of the Laws of 1885 entitled "an act to provide for the incorporation and regulation of building and loan associations,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Cooper, Dodds, Fletcher, Hawk, Jones, Morris, Patton of Lawrence, Ruggles, Ward, Williams of Grant.

So the bill passed and

Its title was agreed to.

Council Bill No. 58,

A bill for an act to amend section 29, chapter 21 of the Political Code, relating to the organization of counties and the appointment, election, powers and duties of county officers,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 0; not voting, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Cooper, Dutch, Ely, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Shook, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Dodds, Elliott, Ensign, Fellows, Fletcher, Greene, Hawk, Jones, Moore, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Sullivan, Terrill, White.

So the bill passed, and

Its title was agreed to.

Council Bill No. 218,

A bill for an act to authorize railway companies to appoint police officers,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 27; nays, 2; not voting, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hubbard, Mentzer, Moore, Patten of Miner, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Williams of Grant.

Absent and not voting:

Messrs. Adams, Berry, Dodds, Fletcher, Greene, Hawk, Hobart, Jones, Mallory, McDonell, Miltimore, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Sullivan, Wyman.

So the bill passed and

Its title was agreed to.

Council Bill No. 184.

A bill for an act permitting the construction of bridges over navigable rivers and providing the manner of paying for the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, none; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Dodds, Fletcher, Greene, Hawk, Hobart, Morris, Patton of Lawrence, Pruitt, Royer, Ruggles, Sullivan, Ward, White.

So the bill passed and

Its title was agreed to.

Council Bill No. 178,

A bill for an act to amend section 409 of the Civil Code relating to corporations,

Was read the third time and placed on its final passage.

The roll being called, there were, ayes, 9; nays, 25; not voting, 14.

Those who voted in the affirmative were:

Messrs. Burnham, Cooper, Gilbert, Glendenning, Harkins, Hubbard, Miltimore, Moore, Shook.

Those who voted in the negative were:

Messrs. Berry, Bidlake, Cook, Dutch, Elliott, Ely, Fellows, Greene, Mallory, McDonell, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Dodds, Ensign, Fletcher, Hawk, Hobart, Jones, Mentzer, Patten of Miner, Pruitt, Sullivan, Ward, White,

So the bill was lost.

Council Bill No. 189,

A bill for an act reviving and making operative in certain counties, sections 1098 and 1100 of the Civil Code entitled "loan of money,"

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 41; nays none; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Dodds, Fellows, Fletcher, Hawk, Mentzer, Pruitt.

So the bill passed, and

Its title was agreed to.

Council Bill No. 216,

A bill for an act to amend section 6 of chapter 61 of the Session Laws of 1881,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, 1; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dutch, Ely, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. Wyman.

Absent and not voting:

Messrs. Adams, Berry, Cook, Cooper, Dodds, Elliott, Ensign, Fellows. Fletcher, Hawk, Jones, Mallory, Morris, Patten of Miner, Ward, White.

So the bill passed and

Its title was agreed to.

Council Bill No. 266,

A bill for an act to amend section 5 of chapter 52 of the General Laws of 1879, entitled "Shorthand reporters for the district courts of the Territory,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 31; nays, 0; not voting, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Hobart, Hubbard, Jones, Morris, Patton of Lawrence, Pruitt, Stewart of Walsh, Sullivan.

So the bill passed and
Its title was agreed to.

Council Bill No. 249,

A bill for an act defining the boundaries of Cavalier county and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 36; nays, 3; not voting, 9.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Cooper, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Dutch, Patten of Miner.

Absent and not voting:

Messrs. Adams, Burnham, Cook, Dodds, Fletcher, Hawk, Pruitt, Sprague, Wyman.

So the bill passed, and
Its title was agreed to.

Council Bill No. 7,

A bill for an act to create the office of public examiner, defining the duties and dividing the Territory into two examiner districts,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 25; nays, 16; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Elliott, Ely, Ensign, Fellows, Gilbert, Greene, Harkins, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Berry, Cook, Dutch, Fletcher, Glendenning, Hobart, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cooper, Dodds, Hawk, Mallory, Pruitt, Sprague, Wolzmuth.

So the bill passed, and

Its title was agreed to.

Council Bill No. 275,

A bill for an act entitled "an act to provide for the government of the Agricultural College and Experiment Station for the Territory of Dakota,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 10; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cooper, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Jones, Mallory, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Sullivan, White, Williams ofGrant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Elliott, Ensign, McDonell, Morris, Schnaidt, Shook, Stewart of Walsh, Terrill, Ward, Wyman.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Cook, Dodds, Hawk, Hobart, Mentzer, Sprague, Williams of Burleigh.

So the bill passed and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 8, 1887.

To the Speaker of the House of Representatives;

I have the honor to return herewith, without my approval

House Bill No. 59,

An Act to establish a Territorial University at Aberdeen, Dakota.

Section 7 of said act appropriates fifty thousand dollars in bonds for the erection of this institution.

I return this bill without my approval. I do not think there is any necessity for an institution of this kind at present. While it is a fact that that portion of the Territory within which this university would, by the terms of this act, be located, has no public institution, yet I think that I would not be justified at this time in encouraging an appropriation of this character, believing as I do that the institutions already established are of ample capacity to accommodate the educational wants of the Territory.

The appropriation of $50,000 in itself may perhaps seem of small moment to the people interested in this measure, but when it is borne in mind that it must necessarily be followed by an appropriation for maintenance of about $50,000 more, before the institution could be placed upon a working bases, and that each of the educational interests of the Territory are applying for large appropriations for the purpose of enlarging their capacity, I feel justified at this time in calling the attention of the legislature to the fact that we are in great danger of making appropriations far in excess of the territorial income.

Respectfully,

Louis K. Church,
Governor.

Mr. Williams, of Burleigh, moved

That the message be referred to the Committee on Territorial Affairs,

Which motion prevailed.

Council Bill No. 267,

A bill for an act entitled "an act to amend an act entitled 'an act to provide for the appointment of a county clerk for Yankton county, and to define his duties,'"

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 1; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cooper, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Mr. Sprague.

Absent and not voting:
Messrs. Adams, Berry, Burnham, Cook, Dodds, Elliott, Ensign, Hawk, Jones, McDonell, Pruitt, Stewart of Walsh, Williams of Burleigh, Wyman.

So the bill passed and
Its title was agreed to.

Mr. Elliott moved
To dispense with further reading of Council bills and that the House do now proceed to the consideration of House bills on their third reading,
Which motion prevailed.

The Speaker announced his signature to Council bills Nos. 263, 50, 74, 209 and 257.

THIRD READING OF HOUSE BILLS.

House Bill No. 341,
A joint resolution recalling House Bill No. 303 from the governor,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 1; not voting, 12.

Those who voted in the affirmative were:
Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Sprague, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Hubbard.

Absent and not voting:
Messrs. Adams, Cooper, Elliott, Ensign, Hawk, Jones, McDonell, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, White.

So the bill passed, and
Its title was agreed to.

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota,

The roll being called there were ayes, 36; nays, none; not voting, 17.

Those who voted in the affirmative were:

Messrs. Berry, Cooper, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Jones, Miltimore, Moore, Morris, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Ely, Greene, Hawk, Hubbard, Mallory, McDonell, Mentzer, Patton of Lawrence, Pruitt, Royer, Stewart of Walsh.

So the bill passed and

Its title was agreed to.

House Bill No. 331,

A bill for an act defining the qualifications of teachers and professors employed in the several public educational institutions of this Territory,

Was read the third time.

Mr. Aikens moved

That the further consideration of this bill be indefinitely postponed,

Which motion prevailed, and the bill was indefinitely postponed.

House Bill No. 318,

A bill for an act to authorize the closing of barber shaps on Sunday,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 15; nays, 24; not voting, 9.

Those who voted in the affirmative were:

Messrs. Burnham, Cooper, Dutch, Elliott, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Miltimore, Moore, Patten of Miner, Sprague, Stewart of Walsh, Terrill, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cook, Ensign. Fellows, Greene, Jones, Mallory, Mentzer, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth.

Absent and not voting:

Messrs. Adams, Bidlake, Dodds, Ely, Fletcher, McDonell, Pruitt, Wyman.

Mr. Hawk being excused.

So the bill was lost.

House Bill No. 222,

A bill for an act to authorize the payment of compensation due road supervisors,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, none; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Cooper, Dutch, Ely, Fletcher, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Dodds, Elliott, Ensign, Fellows, Gilbert, Patton of Lawrence, Pruitt, Sprague, Stewart of Fall River, Wolzmuth, Wyman.

Mr. Hawk being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the university of North Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 37; nays, none; not voting 14.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Cook, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant,

Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Burnham, Cooper, Dodds, Hawk, McDonell, Moore, Pruitt, Royer, Ruggles.

So the bill passed and
Its title was agreed to.

House Bill No. 315,

A bill for an act regulating abstractors or others making abstracts of the titles to real estate,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39: nays, none; not voting, 9.

Those who voted in the affirmative were:

Messrs. Berry, Burnham, Cook, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Bidlake, Cooper, Dodds, Ensign, Jones, McDonell, Patton of Lawrence.

Mr. Hawk being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 320,

A Joint Resolution and Memorial to the Honorable Grover Cleveland, President of the United States of America, relative to the permission and continuance of the surveys in the Devils Lake land district,

Was read the third time and placed upon its final passage.

Mr. Aikens moved

To strike out the words "the Honorable" in the title of House Bill No. 320,

Which motion prevailed and the amendment was adopted.

The roll being called there were ayes 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Bidlake, Burnham. Cook, Cooper, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Berry, Dodds, Elliott, Fletcher, Jones, McDonell, Morris, Patton of Lawrence, Pruitt, Schnaidt, Williams of Grant, Williams of Burleigh.

Mr. Hawk being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 183,

A bill for an act to make appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, and for necessary repairs and improvements,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Dutch, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart ofFall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Burnham, Cooper, Dodds, Ensign, Greene, Mentzer, Pruitt, Royer, Stewart of Walsh, Williams of Grant.

Mr. Hawk being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, none; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wyman, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Burnham, Cook, Cooper, Dodds, Elliott, Greene, Jones, Mallory, Mentzer, Pruitt, Ruggles, Stewart of Walsh, Williams of Grant.

Mr. Hawk being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 323, as amended,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 35; nays, 1; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. Ruggles.

Absent and not voting:

Messrs. Adams, Burnham, Dodds, Elliott, Fellows, Greene, McDonell, Morris, Pruitt, Wise, Wyman.

Mr. Hawk being excused.

So the bill passed and
Its title was agreed to.

Mr. Jones moved

That House Bill No. 334 be recalled from the Committee on Counties and reported to the House without recommendation.

Mr. Sullivan moved

To lay the motion on the table.

Yeas and nays demanded.

The roll being called there were ayes, 6; nays, 28; not voting, 14.

Those who voted in the affirmative were:

Messrs. Burnham, Ensign, Harkins, Stewart of Walsh, Sullivan, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cooper, Dutch, Elliott, Ely, Fletcher, Glendenning, Greene, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Schnaidt, Sprague, Stewart of Fall River, Terrill, Ward, Williams of Grant, Williams of Burleigh.

Absent and not voting:

Messrs. Cook, Dodds, Fellows, Gilbert, Hawk, Mentzer, Patton of Lawrence, Royer, Ruggles, Shook, White, Wise, Wolzmuth, Wyman.

So the motion to lay on the table was lost, and

The original motion prevailed.

Mr. Sullivan moved

That when the House adjourn it adjourn to meet at 10 o'clock to-morrow morning,

Which motion prevailed.

Mr. Aikens moved

That the House do now proceed to the consideration of third reading of Council bills,

Which motion prevailed.

The speaker announced his signature to House Bills Nos 239 and 189.

By unanimous consent, the following report was made:

MR. SPEAKER:

Your committee to whom was referred

Council Bill No. 211,

A joint resolution providing for the payment of expenses of the joint committee appointed to visit the territorial charitable and penal institutions,

Report as follows:

Strike out all after the enacting clause and insert the following:

That the members of the committee appointed under resolution to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock, shall be allowed as compensation for expenses actually incurred and in lieu of all other expenses the sum of fifty dollars each; and a sum sufficient to pay the same is hereby appropriated out of any money in the territorial treasury not otherwise appropriated.

And as thus amended, we recommend that the bill do pass.

T. M. ELLIOTT,
D. S. DODDS,
D. W. ENSIGN.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 235,

A bill for an act making appropriations for the maintenance of the North Dakota Hospital for the Insane, near Jamestown, Dakota,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 34: nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs, Aikens, Bidlake, Cooper, Dutch, Gilbert Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker

Absent and not voting:

Messrs. Adams. Berry, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Hawk, Pruitt, Stewart of Walsh, Williams of Grant.

So the bill passed and

Its title was agreed to.

Council Bill No. 313,

A bill for an act amending chapter 26 of the Special

Laws of 1883, and repealing portions of chapter 56 of Laws of 1881, relating to government and maintenance of the School for Deaf Mutes at Sioux Falls, D. T.,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 31; nays, none; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cooper, Dutch, Ely, Gilbert, Glendenning, Harkins, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Burnham, Cook, Dodds, Elliott, Ensign, Fellows, Fletcher, Greene, Hawk, Hobart, Mallory, Pruitt, Schnaidt, Stewart of Walsh, Williams of Grant.

So the bill passed and
Its title was agreed to.

Council Bill No. 230,

A bill for an act making an appropriation for the maintenance of the School of Deaf Mutes at Sioux Falls,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Cooper, Dutch, Ely, Ensign, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Dodds, Elliott, Fellows, Fletcher, Greene, Hawk, Pruitt, Stewart of Walsh, Williams of Grant.

So the bill passed, and
Its title was agreed to,

Council Bill No. 263,

A bill for an act to amend chapter 75 of the General

Laws of 1883 in regard to drainage, as amended by chapter 47 of the general Laws of 1885,

Was read the third time and placed upon its final passage.

The roll being called there were ayes. 37: nays, none: not voting, 11.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dutch, Elliott, Ely, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cooper, Dodds, Ensign, Fellows, Fletcher, Greene, Hawk, Patton of Lawrence, Pruitt, White.

So the bill passed and

Its title was agreed to.

Council Bill No. 217,

A bill for an act to amend section 1 of chapter 134 of the Session Laws of 1885, entitled "Liability for damages occasioned by vicious dogs,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, 5; not voting 11.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hobart, Patten of Miner, Sullivan, Wise, Wyman.

Absent and not voting:

Messrs. Adams, Berry, Burnham, Dodds, Hawk, Mentzer, Pruitt, Royer, Sprague, White, Williams of Grant.

So the bill passed, and
Its title was agreed to.

Mr. Wyman moved
To adjourn,
Which motion prevailed, and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-EIGHTH DAY.

BISMARCK, March 9, 1887.

House assembled at 10 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

PETITIONS AND COMMUNICATIONS.

Mr. Greene presented the following:

DICKINSON, Dak., March, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned citizens of Stark county, Dakota, whose postoffice address is at Dickinson, in said county, respectfully represent:

That in the judgment of the undersigned, the law in relation to the compensation of judges of probate is in urgent need of amendment.

We therefore pray that the bill for an act to fix the compensation of judges of probate courts, and provide a fund for the payment of the same, introduced into the Legislative Council by Mr. Galloway of Cass county, may receive your favorable consideration.

GEO. AULD,
Register of Deeds, Stark Co., Dak.
J. A. FARRAH,
Treasurer Stark Co., Dak.
M. H. STARK.
J. W. GRUSCHUS,
Dep. Sheriff.
JAMES G. CAMPBELL,
Judge of Probate, Stark Co., Dak.
WM. GIBSON,
Dist. Attorney, Stark Co., Dak.
MORRIS A. SEBASTIAN,
Sheriff Stark Co., Dak.
H. S. DICKINSON,
Chair. Board County Commissioners, Stark Co.
W. MOORE,
Merchant.
C. S. LANGDON,
Merchant.
B. F. FOWLER.
F. B. McDONALD, M. D.

Mr. Aikens presented the following petition:

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The statement having been made to you that the people of Lincoln county, Dakota, are almost unanimously in favor of bonding the county for funds with which to build a new court house, we, the undersigned voters of Lynn township, in said county, hand you herewith our opinions in regard to bonding the county as proposed.

For bonding, none.
Against bonding, A. J. Khuns and 96 others.

We, the undersigned also voters of LaValley town, believing that any law made at the present time giving the opportunity of bonding Lincoln county for the building of new court house injustifiable and would be if made contrary to the unanimous wishes of the voters of LaValley. Therefore, we also pray our legislators to use all honorable means to defeat the passage of said law.

For bonding, none.
Against bonding, C. B. Brown and forty others.

MR. AIKENS,

Dear Sir—I send you an expression of the people as taken at the town meeting of LaValley and Lynn township at our annual election. You see by the results that the people are unanimously opposed to the passage of a law for the bonding of the county for a new court house. This was done as a remonstrance against a statement sent to you. It was the result of a mass-meeting held at Canton, in which there were a very few people, and they were Canton men. They, as we understand, made a statement that it was the unanimous wish of the voters of Lincoln county to have a new court house. Now, Mr. Aiken, I understand that it is the unanimous desire of the farmers of Lincoln county that you should legislate no more burdens upon the people until we are better able to bear them.

Yours,
F. A. LEAVITT.

Mr. Dodds presented the following:

LAKOTA, D. T., March 2, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned citizens of Lakota, D. T., and vicinity respectfully petition your Honorable body to appropriate at least five thousand dollars to expose the frauds of the pine ring, and organize the people to arrest them by saving the remaining pine to the people for lumbering purposes, under the stumpage or Standish Bill plan.

E. BARNUM, et al.

MOTIONS AND RESOLUTIONS.

Mr. Pruitt introduced the following resolution:

Resolved, That the compensation of the clerk of the Committee on Engrossed and Enrolled Bills be fixed at $6.00 per day for each legislative day of the session.

Which resolution was adopted.

Mr. Schnaidt moved

That House Bill No. 304,

Be recalled from the Committeeon Public Buildings and reported to the House without recommendation.

Which motion prevailed.

Mr. Berry introduced the following:

RESOLVED, that the postmaster of the House be allowed fifty cents per day, for each day of the session, for the use of a horse and sleigh to carry the mail to and from the postoffice.

Which resolution was adopted.

REPORTS OF SPECIAL COMMITTEES.

MR. SPEAKER;

Your Committee on Artesian Wells, would respectfully report that they have met in joint session with a like committee from the Council and fully examined

House Bill No. 300,

A bill for an act to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor.

The bill has been carefully drawn and provides for a great want in many places of the Territory.

The Joint Committee unanimously report favorably upon the bill and recommend its passage.

B. H. SULLIVAN,
D. W. SPRAGUE,
J. P. WARD,
H. J. MALLORY,
Committee from House.
JOHN R. DUTCH,
E. G. SMITH,
G. A. HARSTAD,
E. T. SHELDON,
Committee from Council.

The Speaker announced his signature to House Bill No. 172.

INTRODUCTION OF BILLS, JOINT RESOLUTIONS AND MEMORIALS.

The Committee on Appropriations introduced—

House Bill No 345,

A joint resolution providing for the payment of Aaron Cheatam and John Ostland for hack hire during call of the House,

Which was read the first and second time.

The Railroad Committee introduced—

House Bill No. 346,

A bill for an act to amend section 1 of chapter 99 of the Session Laws of 1883,

Which was read the first and second time and

Referred to general orders.

Mr. Hawk, by unanimous consent, introduced—
House Bill No. 347,
A bill for an act relating to foreign corporations,
Which was read the first and second time and
Referred to the Committee on Judiciary.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 238,

A bill for an act to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota, to defray their traveling expenses, etc.,

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 113,

A bill for an act to submit to the legal voters of the Territory of Dakota the question of division of the Territory,

Was read the first and second time, and
Referred to the Committee on Federal Relations.

Council Bill No. 91,

A bill for an act to amend sections 1, 2, 3, 4 and 9, of chapter 72, of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors,

Was read the first and second time and
Referred to the Committee on Judiciary.
Mr. Elliott moved
That Council Bill No. 2 be made a special order for tomorrow at 3 o'clock p. m.,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

MR. SPEAKER:

Your Committee on Towns and Cities respectfully submit the following report, as follows:
They recommend the passage of
Substitute for Council Bill No. 222,
A bill for an act to provide for extending or repealing the limits of incorporated cities and towns.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bill No. 172,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 222, 323 and 108,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 11:15 a. m. of this day

House Bills Nos. 189 and 172,

Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

Mr. Aikens moved

That House Bills Nos. 257 and 252 be read the third time and placed on their final passage,

Which motion prevailed.

Mr. Burnham moved

To adopt the report of the committee on House Bill No. 257.

Mr. Aikens moved

As a substitute to adopt the minority report,

Which motion prevailed.

Mr. Aikens moved

To reconsider the vote by which the minority report was adopted,

Which motion prevailed,

Mr. Stewart, of Fall River, moved

The adoption of the minority report on House Bill No. 252,

Which motion prevailed.

Mr. Dodds offered the following amendment:

Amend section 1 by adding the following:

Provided, whenever the governor of the Territory has positive knowledge that the necessities of the case require the building of the last two wards or hospitals asked for, then and in that event the said governor is hereby authorized to order the erection of said ward.

House Bill No. 257 as amended,

A bill for an act to provide for the issuing of bonds, and for additional buildings and improvements for the Dakota Hospital for the Insane, near Yankton, Dakota, and to appropriate money therefor,

Was then read the third time and placed on its final passage.

The roll being called there were ayes 37; nays 3; not voting 8.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman.

Those who voted in the negative were:

Messrs. Berry, Hawk, Mr. Speaker.

Absent and not voting;

Messrs. Adams, Cooper, Fletcher, Gilbert, Mallory, McDonell, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

House Bill No. 252,

A bill for an act to provide for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate money therefor.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, 3; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Berry, Fletcher, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Burnham, Ensign, Gilbert, Jones, McDonell, Ruggles, White.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved
To reconsider the vote by which House Bill No. 257 was passed and to lay the motion on the table,
Which motion prevailed.

Mr. Dodds moved
To reconsider the vote by which House Bill No 252 was passed and to lay the motion on the table.

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

The following message was received from the Council:

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I am instructed by the Council to request the return of Council Bill No. 295,

Which has been transmitted to the House containing error in engrossment.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Williams, of Burleigh, moved

That the request of the Council be complied with.
Which motion prevailed.

Mr. Sullivan moved
To suspend the rules, that Council Bill No. 229 be read the first, second and third times and placed on its final passage,
Which motion prevailed.

Mr. Aikens moved
To amend by striking out section 8 of the bill,
Which motion prevailed.

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes, and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Miltimore, Moore, Morris, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Burnham, Elliott, Fellows, Fletcher, Hawk, Mallory, McDonell, Mentzer, Patton of Lawrence, Pruitt, Royer, Ruggles, White.

So the bill passed and

Its title was agreed to.

Mr. Stewart of Fall River, moved

To reconsider the vote by which Council Bill No. 229 was passed, and that the motion to reconsider be laid on the table.

Which latter motion prevailed.

The House then took a recess at 12 o'clock m., until 2 o'clock p. m.

The following reports were presented:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bill No. 255,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 240.

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

Mr. Speaker announced his signature to Council Bills Nos. 189, 125, 266, 224, 267, 229, 7 and 216.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 9th, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 304,

A bill for an act to authorize the issuance of license for carrying on the business of public laundries,

Council Bill No. 317,

A bill for an act to appropriate funds to pay the deficit due to the territorial militia for armory rent, uniform and stationery, and for other purposes, and

Council Bill No. 169,

A bill for an act to provide for the registration of voters.

Which bills have been passed by the Council and your favorable consideration thereof is asked.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to transmit again

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck.

Which has been changed by the Council from the shape in which it was first transmitted, except that in line 25 of section 1, the sum of $66,000 has been changed to $63,500.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following reports were submitted:

MR. SPEAKER:

Your Committee on Insurance to whom was referred

House Bill No. 215,

A bill for an act regulating the procurement of chattel mortgages in connection with applications for insurance and providing a penalty for violation thereof,

Also,

Council Bill No. 309,

A bill for an act to amend an act entitled "an act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887,

And recommend that the same do pass,

Also,

House Bill No. 294,

A bill for an act regulating the insurance of public buildings of the Territory of Dakota,

And recommend that the same do not pass.

D. F. ROYER,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations have had under consideration

House Bill No. 337,

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886,

Also,

House Bill No. 335,

A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps,

And recommend that they do pass.

Also,

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural college for the current years of 1887 and 1888, and for other purposes,

Also,

Council Bill No. 174,

A bill for an act to reimburse and pay George Lilly for moneys advanced to complete a portion of certain public buildings,

Also,

Council Bill No. 251,

A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dakota, in September, 1885.

Also,

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Also,

Council Bill No. 294,

A bill for an act for the maintenance of the public offices of the Territory,

And recommend the passage of the same.

Also,

Council Bill No. 295,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Also,

Council Bill No. 296,

A bill for an act making appropriation for the current and contingent expenses of the territorial penitentiary at Bismarck,

And report the same back without recommendation.

Also,

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

And recommend the same do pass.

Also,

House Bill No. 336,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.,

And recommend the same do pass.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 225,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 5, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 107,

A bill for an act to remove the disabilities of Heinrich Muchow and restore him to citizenship,

Which has been recalled from the governor as requested by concurrent resolution. The Council has amended the same by striking out the words "and whereas said Muchow was convicted on circumstantial evidence and has always asserted his innocence, and there exists grave doubts as to his guilt," from the preamble, and your concurrence thereto, and in its passage as amended, is requested.

Very respectfully,

T. A. KINGSBURY,

Chief Clerk.

Mr. Stewart, of Fall River, moved that

Substitute for House Bill No. 145

Be taken up and considered at this time,

Which motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Stewart, of Fall River, moved that the House do now resolve itself into the Committee of the Whole to consider

House Bills Nos. 145, 286 and 153,

Which motion prevailed, and

The Speaker called Mr. Sprague to the Chair.

When the committee rose the following report was made:

MR. SPEAKER:

The committee have had under consideration

Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104, of the General Laws of 1883,

And recommend the bill do pass.

Also,

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

And recommend to strike out sections 2, 3, 4, 5 and 6, and number section 7 section 2, and section 8 section 3.

Strike out in section 1 the words "Provided that the said railroad corporation may show upon the trial of any action that said damage arose from the default or negligence of the party injured,"

And recommend the passage of the bill when so amended.

Also,

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

Together with the amendments made by the Railroad Committee and recommend their adoption and the passage of the bill when so amended,

D. W. SPRAGUE,
Chairman.

Mr. Stewart, of Fall River, moved the adoption of the report.

Mr. Aikens moved to adopt all except that portion relating to substitute for House Bill No. 45, and that said portion be laid on the table,

Which amendment was lost, and,

The report was adopted.

The Speaker announced his signature to House Bills Nos. 72 and 241.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 320,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 241 and Joint Resolution No. 72,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully report that at the hour of 3:10 p. m. of this day,

House Bill No. 241 and

Joint Resolution No. 72

Were delivered to his Excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means, to whom was referred

House Bill No. 313,

A bill for an act to amend section 33 of chapter 28 of the revised codes of 1887, entitled "revenue,"

Report that they have considered the same and recommend that it do not pass.

Also,

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness.

Report that they have examined the same and recommend that it do pass.

A. S. STEWART,
Chairman.

MR. SPEAKER:

The Committee on Education to whom was referred

House Bill No. 342,

Beg to report that they have examined the same and would recommend that it do pass.

J. H. FLETCHER,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 300,

A bill for an act to provide for the construction and management of artesian wells in this Territory and to provide a mode for paying for the same,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 35; nays, 2; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Greene, Harkins, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of

Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Glendenning, Wyman.

Absent and not voting:

Messrs. Berry, Fellows, Hawk, Hobart, Mallory, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Stewart of Fall River.

Mr. White being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 336,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, none; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, McDonell, Miltimore, Moore, Morris, Patten of Miner, Royer. Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Cook, Hawk, Hobart, Jones, Mallory, Mentzer, Patton of Lawrence, Pruitt. White. Williams of Grant.

So the bill passed and

Its title was agreed to.

House Bill No. 294,

A bill for an act relating to the insurance of public buildings in the Territory of Dakota,

Was read the third time and placed upon its final passage.

Mr. Burnham moved that further consideration of the bill be indefinitely postponed.

Yeas and nays demanded.

The roll being called, there were, ayes, 22; nays, 24; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Ely, Ensign, Fellows, Fletcher, Hawk, Hobart, Hubbard, Jones, Patton of Lawrence, Royer, Ruggles, Shook, Stewart of Walsh, Terrill, Ward, Williams of Grant.

Those who voted in the negative were:

Messrs. Aikens, Dodds, Dutch, Elliott, Gilbert, Glendenning, Greene, Harkins, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Pruitt, White.

So the motion to indefinitely postpone was lost.

The roll being called on the final passage of the bill, there were ayes, 21; nays, 24; not voting, 3.

Those who voted in the affirmative were:

Messrs. Aikens, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Greene, Harkins, McDonell, Mentzer, Moore, Morris, Patten of Miner, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Ely, Ensign, Fletcher, Hawk, Hubbard, Jones, Mallory, Miltimore, Patton of Lawrence, Royer, Ruggles, Stewart of Walsh, Shook, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Hobart, Pruitt, White.

So the bill was lost.

Mr. Sullivan moved

That the vote by which House Bill No. 300 and House Bill No. 336 passed, be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 215,

A bill for an act regulating the procurement of chattel mortgages in connection with applications for insurance, and providing a penalty for violation thereof,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Gilbert, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Dodds, Fellows, Fletcher, Glendenning, Greene, Hobart, Moore, Patton of Lawrence, Patten of Miner, Stewart of Fall River, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

House Bill No. 337,

A Joint Resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 44; nays, none; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Jones, Pruitt, Sullivan, White.

So the bill passed and

Its title was agreed to.

Mr. Stewart, of Fall River, moved

That the vote by which House Bills Nos. 2, 336 and House Bill No. 337 were passed, be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 335,

A bill for an act making an appropropriation to pay deficiency in expense account of railroad commissioners, and for railroad maps,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 37; nays 1; not voting 10.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Fellows, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Fletcher.

Absent and not voting:

Messrs. Bidlake, Cook, Ely, Ensign, Gilbert, Moore, Pruitt, Schnaidt, Sullivan, White.

So the bill passed, and

Its title was agreed to.

Mr. Fellows moved

That the vote by which House Bill No. 335 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which latter motion prevailed.

House Bill No. 153,

A bill for an act to regulate the duties of railroad corporations in the Territory of Dakota in regard to alteration of routes,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 27; nays, 1; not voting, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cooper, Dodds, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, McDonell, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Mr. Bidlake.

Absent and not voting:

Messrs. Adams, Cook, Dutch, Ely, Fellows, Greene, Hobart, Jones, Mallory, Mentzer, Morris, Patton of Lawrence, Pruitt, Schnaidt, Sprague, Stewart of Walsh, White, Williams of Grant, Wolzmuth, Wyman.

So the bill passed and

Its title was agreed to.

House Bill No. 145,

A bill for an act to create a Board of Trustees of Public Property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104 of the General Laws of 1883, was read the third time.

Mr. Stewart, of Fall River, by unanimous consent, offered the following amendment to House Bill No. 145:

SEC. 10. All outstanding warrants heretofore issued by the auditor of the territory under the provisions of said chapter 104 of the General Laws of 1883 (not exceeding $55,870.53 and interest due thereon), shall be redeemed by exchanging therefor refunding warrants for the amount of the principal and interest lawfully accrued thereon at the date of such exchange. The principal of said refunding warrants shall be payable in five years after the date of the issuance thereof, and the same shall bear interest at the rate of five per centum per annum payable semi-annually at the office of the territorial treasurer, but any of said refunding warrants may be redeemed at the option of the Governor at the time of the maturity of any installment of interest falling due after the period of two years subsequently to the date of the issuance thereof by the payment to the lawful owner and holder of such refunding warrants of the principal thereof and of the interest which shall have accrued thereon prior to the date of making such redemption. After the tender by the treasurer to the holder of any such refunding warrant of the amount required as aforesaid for the redemption thereof, interest upon the principal of such refunding warrants shall cease, the principal and interest of the said refunding warrants shall be paid out of any money in the treasury not otherwise appropriated at the respective dates of the maturity of the said interest and principal. That within ten days after the date of the passage of this act, it shall be the duty of the treasurer to give notice by mail to each of the holders of said warrants, now outstanding, to present the same to him for redemption in the manner hereinbefore provided, within twenty days from the date of such notice, and in case of the failure of the holder of any of the said warrants, now outstanding, to so present the same for redemption within ninety days from the passage of this act, all interest upon the same shall thereafter cease; provided, that in case the territory shall hereafter be divided into two territories or states, that territory or state in which the city of Bismarck shall be situated shall be exclusively liable for the payment of the principal and interest of the said refunding warrants.

Which amendment was adopted.

The roll then being called on the final passage of the bill as amended there were ayes, 24; nays, 22; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Fellows, Fletcher, Greene, Hawk, Mallory, McDonell, Miltimore, Moore, Patton of Lawrence, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Williams of Grant, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Ensign, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mentzer, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Sullivan, White, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Terrill, Ward.

So the bill passed and

Its title was agreed to.

Mr. Stewart, of Fall River moved

That the vote by which House Bill No. 145 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Mr. Aikens demanded a call of the House,

Which being seconded, the roll was called.

All members being present, further proceedings under the call were disaensed with, Roll call demanded on original motion.

The roll being called there were ayes, 27; nays, 20; not voting, 1.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Greene, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Morris, Patten of Miner, Royer, Schnaidt, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Mr. Pruitt.

And so the motion prevailed.

House Bill No. 286,

A bill for an act to regulate the duties of railroad corporations,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 22; nays, 10 not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Burnham, Cook, Cooper, Dodds, Elliott, Gilbert, Glendenning, Harkins, Hawk, Hubbard, McDonell, Miltimore, Moore, Patten of Miner, Stewart of Walsh, Sullivan, Terrill, Ward, Wise, Mr. Speaker.

Those voting in the negative were:

Messrs. Bidlake, Fletcher, Greene, Hobart, Mentzer, Ruggles, Sprague, Williams of Grant, Williams of Burleigh, Wolzmuth.

Absent and not voting:

Messers. Aikens, Dutch, Ely, Ensign, Fellows, Jones, Mallory, Morris, Patton of Lawrence, Pruitt, Royer, Schnaidt, Shook, Stewart of Fall River, White, Wyman.

So the bill passed, and

Its title was agreed to.

House Bill No. 342,

A bill for an act to establish a public school law of Dakota Territory,

Was read the third time.

Mr. Burnham moved
That the bill be printed,
Which motion prevailed.

House Bill No. 270,
A bill for an act to appropriate funds for certain purposes.
Was read the third time and placed on its final passage.

The roll being called, there were ayes, 33; nays none; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Dodds, Ensign, Fellows, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Cook, Cooper, Dutch, Elliott, Ely, Fletcher, Gilbert, Jones, Miltimore, Schnaidt, Stewart of Fall River, Sullivan, White, Wyman.

So the bill passed, and
Its title was agreed to.

House Bill No. 313,
A bill for an act to amend section 33, of chapter 28 of the Revised Code of 1877,
Was read the third time.

Mr. Stewart, of Fall River, moved
That the further consideration of the bill be indefinitely postponed.
Which motion prevailed.

House Bill No. 165,

A bill for an act to make an appropriation for the payment of armory rent of the regimental bands of the Dakota National Guard,

Was read the first, second and third times and placed upon its final passage.

The roll being called there were ayes, 25; nays, 0; not voting, 23.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Dutch, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Stewart of Fall River, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bidlake, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Hobart, Jones, Mallory, Morris, Patton of Lawrence, Pruitt, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Wolzmuth, Wyman.

So the bill passed and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 9, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 146,

An act to provide funds for the construction and furnishing of a dormitory for the University of North Dakota at Grand Forks, Dak., andfor other purposes.

Respectfully,

LOUIS K. CHURCH,
Governor.

EXECUTIVE OFFICE,
BISMARCK, March 9, 1887.

To the Speaker of the House of Representatives:

House Bill No. 303,

An act entitled an act requiring certain orders, judgments and decrees in probate to be recorded,

Is herewith respectfully returned to the House without my approval.

Section 1 of this act provides that "all orders, judgments and decrees made in the probate court in each county of this Territory"—and then goes on to provide that all proceedings of every character shall be recorded in the probate court. The act provides that books for preserving the records shall be furnished by the different counties to the probate judge. The act makes no provision as to how much shall be paid per folio for such recording, nor by whom does it say the fees for such recording shall be paid. The Probate Code provides as follows: "recording any matter required to be recorded, ten cents for each folio." Chapter 102 of the laws of 1883 provides: "In counties having a population of over five thousand people, the judge of the probate court of each of said counties shall receive an annual salary of three hundred dollars per annum, in addition to the foregoing fees to be paid by the county." The question suggests itself as to whether or not the payment of $300 per annum "in addition to the forgoing fees, to be paid quarterly by the county," might be construed into meaning that the county is liable for the salary of $300 per annum, and that the fees must also be paid by the county. If such construction should be placed upon the language of the statute of 1883, in consideration of the fact that section 1 of the proposed act provides in the following language, "that all orders, judgments and decrees made in the probate court shall be recorded," the question naturally arises whether or not this contemplated act would not authorize the recording of all past records, as well as all future records that the probate judges may have in their offices, and consequently whether or not the county might not be held liable for the same. It may be possible that I am placing too technical a construction upon the provisions of the laws of 1883 and this proposed act. It would be better, however, in any event, to have this act certain, and to have it read that "all orders, judgments and decrees hereafter made," etc., "shall be recorded," and furthermore, providing that the fees shall be paid by the party or parties interested, and thus save any question as to the construction of the statute of 1883.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Williams, of Burleigh, moved

That House Bill No. 303, together with the Governor's veto message, be referred to the Committee on Judiciary,

Which motion prevailed.

Mr. Elliott moved

To reconsider the votes by which House Bills Nos. 286, 294 and 153 were this day passed, and that the motion to reconsider be laid on the table,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

that the House do not concur in the Council amendments to House Bill No. 34, and that a conference committee of three be appointed,

Which motion prevailed, and

The Speaker appointed Messrs. Greene, Fletcher and Mentzer.

Mr. Williams, of Burleigh, moved

That the rules be suspended, and that the House return to the first and second reading of Council Bills, and that the bills be read the first and second time by their titles only. and referred to their appropriate committees.

Which motion was lost.

The following report was received:

MR. SPEAKER:

Your Committee on Appropriations, to whom was referred

House Bill No. 165,

Have had the same under consideration, and beg leave to report a substitute and recommend that said substitute bill do pass.

W. N. BERRY,
Chairman.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 170,

A bill for an act to amend an act entitled "An act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district, No. 1, Richland county, Dakota Territory. Approved March 13th, 1885.

Council Bill No. 255,

A bill for an act for the relief of Victor Montague.

Council Bill No. 254,

A bill for an act for the relief of Isaac Montague.

Council Bill No. 141,

A bill for an act to provide for the relief of Frederick P. Benjamin, and to appropriate the sum of two hundred dollars therefor.

Council Bill No. 197,

A bill for an act to amend section 26, of chapter 39, of the political code, entitled compensation of public officers.

Council Bill No. 264,

A bill for an act providing for township organization.

Council Bill No. 160,

A bill for an act providing the mode of appeals to the supreme court of the Territory of Dakota.

Council Bill No. 37,

A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisements.

Council Bill No. 207,

A bill for an act to amend section 378 of chapter 15 of the Code of Civil Procedure entitled "of the costs and disbursements in civil actions."

Council Bill No. 99,

A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory of Dakota.

Council Bill No. 319,

A Joint Resolution providing for the purchase of stationery.

Council Bill No. 183,

A bill for an act providing for appeals of county boards of equalization.

And

Council Bill No. 147,

A bill for an act to provide when courts are opened for all purposes,

And to ask your concurrence in their passage,

And to transmit

House Bill No. 34,

A bill for an act to compensate the owners of certain cattle killed in Oliver county, Dakota. on order of the Governor and Territorial Board of Health,

Which has been amended by striking out of section 1 the word "twenty-four hundred" and inserting "twelve hundred" in lieu thereof, and as so amended been passed.

Very respectfully,

T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill No. 229,

A bill for an act to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls and for other purposes,

Which as originally sent to your body for action had been incorrectly engrossed and it is now transmitted for your reconsideration.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Mallory moved

To reconsider the vote by which Council Bill No. 178 was lost,

Which motion prevailed.

Mr. Miltimore moved

That the vote by which Substitute House Bill No. 165 was passed be reconsidered, and that the motion be laid on the table,

Which motion prevailed.

Mr. Fellows moved

That Council Bill No. 178 be referred to the Committee on Banking,

Which motion was lost.

Mr. Adams moved

That the bill be placed upon its final passage.

Mr. Stewart, of Fall River, moved

That further consideration of the same be indefinitely postponed,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your favorable consideration of

Council Bill No. 168,

A bill for an act for the creation of a board of railroad and warehouse commissioners, and for the regulation of common carriers,

Council Bill No. 320,

A joint resolution relating to the printing of the Journals of the Council and House of Representatives of the Seventeenth Legislative Assembly,

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

And to return

House Bill No. 341,

A joint resolution recalling from the Governor, House Bill No. 303. entitled "an act requiring certain orders,judgments and decrees in probate to be recorded," and

House Bill No. 183,

A bill for an act to make appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, and for necessary repairs and improvements,

Which have passed the Council unchanged, and

House Bill No. 295,

A bill for an act to amend an act entitled an act to amend chapter 30 of the Political Code, relating to the Territorial Militia,

Which has been amended by striking out all after the word "tax," in line 2 of section 64, and by striking out section 65,

And as thus amended, has passed the Council.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following report was presented:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bill No. 286,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

Mr. Harkins moved

That the House do concur in the Council amendments to House Bill No. 295,

Which motion prevailed.

By unanimous consent the following report was received from the Judiciary Committee:

MR. SPEAKER:

The Committee on Judiciary beg leave to report that they have had under consideration

Council Bill No. 238,

A bill for an act to provide an allowance to the justices of the supreme court of the Territory of Dakota, to defray their travelling expenses, etc.,

And recommend the passage thereof.

FRANK R. AIKENS,
Chairman.

Council Bill No. 238,

A bill for an act to provide an allowance to the justices of the supreme court of the Territory of Dakota to defray their traveling expenses, etc.,

Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 33; nays, 7; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, McDonell, Mentzer. Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Fletcher, Hawk, Mallory, Terrill, Ward, Wise.

Absent and not voting:

Messrs. Berry, Cook, Elliott, Morris, Royer, Sullivan, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

Mr. Mentzer moved

To reconsider the vote by which Council Bill No. 238 was passed, and to lay the motion on the table,

Which motion prevailed.

THIRD READING OF COUNCIL BILLS

Council Bill No. 253,

A bill for an act to authorize counties, townships, school townships and school districts and incorporated cities and towns to refund outstanding bonded indebtedness,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 42; nays, none; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth,. Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Morris, Royer, Sullivan, Pruitt, White.

So the bill passed and

Its title was agreed to.

Mr. Stewart of Fall River, moved

That the vote by which Council Bill No. 253 was passed be reconsidered, and that the motion to reconsider be laid on the table.

Which latter motion prevailed,

Council Bill No. 277,

A bill for an act to appropriate funds for the maintenance of the Dakota Agricultural College, for the current years of 1887 and 1888, and for other purposes,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 38: nays, none; not voting, 10.

Those who voted in the affirmative were:

Messrs, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer. Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams. Bidlake, Elliott, Ensign. Fletcher, Greene. Hubbard. Royer, Sullivan, White.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved
That the vote by which Council Bill No. 277 was passed be reconsidered and that the motion to reconsider be laid on the table,
Which latter motion prevailed.

Council Bill No. 294,
A bill for an act for maintenance of the public offices of the Territory,
Was read the third time and placed upon its final passage.

The roll being called there were ayes, 41; nays, none; not voting, 7.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Dutch, Elliott, Royer, Shook, Sullivan, White.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved
That the vote by which Council Bill No. 254 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which latter motion prevailed.

Council Bill No. 309,
A bill for an act to amend an act entitled "an act to amend chapter 70 of the General Laws of 1885, relating to county mutual insurance companies," approved March 3, 1887,
Was read the third time and placed upon its final passage.

The roll being called there were ayes 35: nays, none; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Glendenning, Greene, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Elliott, Gilbert, Hobart, Jones, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, White.

So the bill passed and

Its title was agreed to.

Council Bill No. 256,

A bill for an act to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 2; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Hawk, Terrill.

Absent and not voting:

Messrs. Dutch, Elliott, Ely, Jones, Mentzer, Pruitt, Royer, Sullivan, White, Williams of Burleigh, Wyman.

So the bill passed, and

Its title was agreed to.

Mr. Stewart, of Fall River, moved

That the vote by which Council Bill No. 256 was passed be reconsidered, and that the motion to reconsider be laid on the table,

Which latter motion prevailed.

Council Bill No. 296,

A bill for an act making an appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 38; nays, 4; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Bidlake, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mallory, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, McDonell, Patton of Lawrence, Schnaidt.

Absent and not voting:

Messrs. Cooper, Dutch, Hubbard, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

Council Bill No. 251,

A bill for an act to appropriate funds to pay expenses incurred by territorial militia at territorial encampment held at Fargo, Dakota, in September, 1885,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 42; nays, none; not voting 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Dutch, Royer, White, Williams of Grant, Wyman.

So the bill passed and

Its title was agreed to.

Council Bill No. 222,

A bill for an act to provide for extending the limits of incorporated cities and towns,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 31; nays, 5; not voting, 12.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Fletcher, Hobart, Patton of Lawrence, Wolzmuth.

Absent and not voting:

Messrs. Aikens, Cook, Elliott, Greene, Hubbard, Jones, Mallory, McDonell, Royer, Schnaidt, Stewart of Walsh, White.

So the bill passed and

Its title was agreed to.

Mr. Sullivan moved

That the rules be suspended and that

Council Bill No. 322,

A bill for an act to amend sections 1, 2 and 4 of chapter 25, Special Laws passed at the Fifteenth session of the Legislative Assembly of the Territory of Dakota, approved March 9. 1883, entitled "an act to locate and establish a reform school for juvenile offenders at or near the village of Plankinton, in Aurora county, Dakota Territory,

Be read the first, second and third time and placed on its final passage,

Which motion prevailed.

Council Bill No. 322,

A bill for an act to amend sections 1, 2 and 4 of chapter 25 of Special Laws passed at the Fifteenth session of the Legislative Assembly of the Territory of Dakota, approved March 9, 1883, entitled "an act to locate and establish a reform school for juvenile offenders at or near the village of Plankinton, in Aurora county, D. T.," Was then read the third time and placed on its final passage.

The roll being called there were ayes 36; nays none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting;

Messrs. Adams, Bidlake, Cook, Cooper, Greene, Morris, McDonell, Schnaidt, Stewart of Walsh, White, Williams of Grant, Wyman.

So the bill passed and

Its title was agreed to.

Mr. Sullivan moved

That the vote by which Council Bill No. 322 and Council Bill No. 296 were passed, be reconsidered, and that the motion to reconsider be laid on the table.

Which latter motion prevailed.

Council Bill No. 174,

A bill for an act to reimburse and pay George Lilly for moneys advanced to complete a portion of certain public buildings,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes 26; nays, 1; not voting, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Elliott, Fellows, Gilbert, Glendenning, Harkins, Hubbard, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. Sprague.

Absent and not voting:

Messrs. Adams, Bidlake, Cook, Cooper, Dutch, Ely, Ensign, Fletcher, Greene, Hawk, Hobart, Jones, Mallory, McDonell, Mentzer, Pruitt, Schnaidt, Terrill, Ward, White, Wyman.

So the bill passed and
Its title was agreed to.

Council Bill No. 295,
A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 29; nays, 10; not voting, 9.

Those who voted in the affirmative were:
Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Glendenning, Greene, Hawk, Mallory, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:
Messrs. Aikens, Berry, Cooper, Dutch, Gilbert, Harkins, Hubbard, Schnaidt, Williams of Grant, Wolzmuth.

Absent and not voting:
Messrs. Fletcher, Hobart, Jones, McDonell, Morris, Patton of Lawrence, Pruitt, Sullivan, White.

So the bill passed, and
Its title was agreed to.

Mr. Williams, of Burleigh, moved
That the vote by which Council Bill No. 295 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which latter motion prevailed.

Mr. Sullivan moved
To adjourn until to-morrow at 10 o'clock,
Which motion was lost.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bill No. 252,
And find the same correctly engrossed.

A. S. STEWART,
Chairman pro tem.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined
House Bill No. 153,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined
House Bill No. 145,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

Mr. Williams, of Burleigh, moved
That the rules be suspended and the House return to the order of first and second reading of Council Bills.
Which motion prevailed.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 207,
A bill for an act to amend section 378, of chapter 15 of the Code of Civil Procedure, entitled "of the costs and disbursements in civil actions,"
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 99,
A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory of Dakota,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 254.
A bill for an act for the relief of Isaac Montague,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 141,
A bill for an act to provide for the relief of Frederick P. Benjiman and to appropriate the sum of two hundred ($200) dollars therefor,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 160,
A bill for an act providing the mode of appeals to the Supreme Court of the Territory of Dakota,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 37,
A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 170.
A bill for an act to amend an act entitled "an act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district No. 1, Richland county, Dakota Territory," approved March 13, 1885,
Was read the first and second time and
Referred to the Committee on Education.

Council Bill No. 255.
A bill for an act for the relief of Victor Montague,
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 197,
A bill for an act to amend section 26 of chapter 39 of the Political Code, entitled "Compensation of public officers,"
Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 264,
A bill for an act providing for township organization,
Was read the first and second time and
Referred to the Committee on Appropriations.

Bouncil Bill No. 147,
A bill for an act to provide when courts are opened for all purposes,
Was read the first and second time, and
Referred to the Committee on Judiciary.

Council Bill No. 304,
A bill for an act to authorize the issuance of license for carrying on the business of public laundries,

Was read the first and second time and
Referred to the Committee on Ways and Means.

Council Bill No. 317,

A bill for an act to appropriate funds to pay the deficit due to the territorial militia for armory rent, uniforms and stationery, and for other purposes.

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 320,

A bill for an act relative to the printing of the Journals of the Council and House of Representatives of the Seventeenth Legislative Assembly,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 168,

A bill for an act for the creation of a board of railroad and warehouse commissioners, and for the regulation of common carriers,

Was read the the first and second time and
Referred to the Committee on Warehouses.

Council Bill No. 163,

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Was read the first and second time and
Referred to the Committee on Education.

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Was read the first and second time and
Referred to the Committee on Temperance.

Council Bill No. 169,

A bill for an act to provide for the registration of voters,

Was read the first and second time and
Referred to the Committee on Elections and Privileges.

Council Bill No. 319,

A joint resolution providing for the purchase of stationery,

Was read the first and second time and
Referred to the Committee on Appropriations.

Council Bill No. 183,

A bill for an. act providing for appeals from county boards of equalization,

Was read the first and second time and

Referred to the Committee on Appropriations.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to again transmit

Council Bill No. 163,

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education,

Which bill has been changed in certain of its provisions, since it was first transmitted to your body, as follows, and your concurrence in the passage of the bill is requested:

Paragraph 18 of section 2, to read as follows:

18. To meet at the office of the superintendent of public instruction each month during the year; and they shall have power to adjourn from time to time whenever the president deems an adjournment necessary; and the president shall have power to call a special meeting of the board whenever the interests of the school work of the Territory demand it. The other two members of the board shall be assistants to the superintendent and shall each receive a salary of $1,500 per annum.

Section 4 to read as follows:

Section 4. The territorial superintendent shall have full management and supervision of the public schools of the Territory, subject to such limitations as are or may be prescribed by law. He shall prescribe the duties of the assistant superintendents, and they shall perform any duties so prescribed. The governor is authorized to remove from office any superintendent or assistant superintendent who violates, or fails to faithfully discharge the duties of his office and he is authorized to appoint a successor or successors, who shall hold their office until the end of the next session of the legislative council. The superintendent shall receive a salary of $2,500 per annum.

Section 6 to read as follows:

Section 6. He shall preserve in his office such books, apparatus, maps, charts, works on education, plans for school buildings and other articles of interest to school officers or teachers as may be secured without expense to the Territory.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following reports were submitted:

MR. SPEAKER;

The Committee on Education to whom was referred Council Bill No. 170,

Beg to report that they have had the same under consideration and return the same without recommendation.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

The Judiciary Committee respectfully submit the following report:

They recommend the passage of House Bill No. 324.

FRANK R. AIKENS.
Chairman.

House Bill No. 324,

A bill for an act to legalize the collection of taxes during the years 1885 and 1886, wherein there was a failure to properly execute the county treasurer's warrant or town marshal's warrant to collect,

Was taken up at this time, read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, 0; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Mentzer, Miltimore, Morris, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Cooper, Hubbard, Mallory, McDonell, Moore, Patton of Lawrence, Royer, Shook, White.

So the bill passed and
Its title was agreed to.

Mr. Hawk, by unanimous consent, introduced—
House Bill No. 348,

A bill for an act to give incorporated villages exclusive control of the liquor traffic within their limits,

Which was read the first and second time and
Referred to the Committee on Temperance.

Mr. Shook moved

To suspend the rules and that Substitute for Council Bill No. 236 be considered and placed on its final passage,

Which motion prevailed.

Mr. Adams moved

To refer the bill to the Judiciary Committee,

Which motion prevailed.

Mr. Aikens moved

To reconsider the vote by which House Bill No. 324 passed and to lay the motion on the table,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 9th, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 322,

A bill for an act to amend sections 1, 2 and 4 of chapter 25, Special Laws, passed at the Fifteenth Session of the Legislative Assembly of the Territory of Dakota, approved March 9, 1883, entitled "an act to locate and establish a Reform School for Juvenile Offenders at or near the village of Plankinton in Aurora county, Dakota Territory.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to inform the House that the Council has reconsidered its action in concurring in the amendment of the House to

Council Bill No. 58,

And has appointed Messrs. Dodge, Campbell and Ericson as a committee of conference on the differences in the matter, and request similar action on your part.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Adams moved

That a conference committee of three be appointed,

Which motion prevailed, and

The Speaker appointed Messrs. Adams, Mentzer and Aikens as such committee.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota Territory,

Which has been amended by the Council by reducing the amount allowed for janitor, striking out $1.200 and inserting $1,000, and for incidental expenses striking out $2,000 and inserting in lieu thereof $1,000.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Wolzmuth moved

That the House do concur in the Council amendments to House Bill No. 284,

Which motion prevailed, and the Council amendments to said bill were concurred in.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 336,

A bill for an act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.

House Bill No. 186,

A bill for an act in relation to the vacation of town plats.

House Bill No. 226,

A bill for an act to amend section 2, of chapter 26 of the Political Code.

House Bill No. 227,

A bill for an act to amend section 70, of chapter 28 of the Political Code, entitled "Revenue."

House Bill No. 108,

A bill for an act entitled an act relating to the office of notaries public.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 9, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 228,

A bill for an act providing a remedy by garnishment in District courts in the Territory of Dakota.

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil Procedure.

Council Bill No. 204,

A joint resolution relative to a division of the Territory and the admission of each half into the Union.

Council Bill No. 59,

A bill for an act amending chapter 79 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fifth Judicial district and the time of holding court therein.

Council Bill No. 262,

A joint resolution and memorial to Congress for the division of the Bismarck land district.

Council Bill No. 191,

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth Judicial district and the terms of holding court therein.

Council Bill No. 157,

A bill for an act to amend subdivision 7 of section 320, in chapter 26 of the Penal Code of the Territory of Dakota.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Council Bill No. 20,

A bill for an act to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the Territory of Dakota, Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 37; nays, 2; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, McDonell, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Dutch.

Absent and not voting:

Messrs. Hubbard, Mallory, Mentzer, Morris, Pruitt, Royer, Sprague, Terrill, Williams of Grant.

So the bill passed, and

Its title was agreed to.

COMMITTEE OF THE WHOLE.

Mr. Sprague moved that the House do now resolve itself into a committee of the whole to consider general orders,

Which motion prevailed and

The Speaker called Mr. Williams to the chair.

When the committee arose and the following report was made.

MR. SPEAKER:

The Committee of the Whole have had under consideration

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds, and recommend that the words "and bridge"

Be stricken out from the body of the bill and also from the title, and when so amended the bill do pass.

Also,

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fire in buildings use for public assemblages,

With the amendments made by the Committee on Territorial Affairs and recommend the passage of the bill with the amendments proposed by the Committee on Territorial Affairs.

Also,

Council Bill No. 194,

A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal School at Springfield, Dakota,

And recommend that it be placed on its third reading and final passage.

Also,

House Bill No. 1,

A bill for an act to provide for the appointment and to prescribe the duties of a public examiner,

And recommend its further consideration be indefinitely postponed.

Also,

Council Bill No. 211,

Joint Resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the Territorial Charitable and Penal Institutions,

And recommend the passage of the bill.

Also,

House Bill No. 11,

A bill for an act to assess and tax railroads and railroad property,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 256,

A bill for an act to amend chapter 99 of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota,

And recommend the passage of the bill.

Also,

Council Bill No. 63,

A bill for an act providing for the locating, establishing and building of a Soldier's Home, and providing funds therefor,

And recommend that further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 297,

A bill for an act to amend section 1, 2 and 6 and chapter

126 of the Laws of 1885, and chapter 66 of the Laws of 1885,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 195,

A joint resolution to reimburse Legislative officers for expenses incurred in the organization of the Legislative Assembly,

Together with the amendments made by the appropriations committee, and recommend the adoption of the amendments, and the passage of the bill when so amended.

Also,

Council Bill No. 129,

A bill for an act to provide for the payment of bounties for the destruction of wild animals in the Territory of Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 16,

A bill for an act to provide for the support of indigent soldiers, sailors and marines and their families,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council bill No. 237,

A bill for an act to provide for the redistricting of counties into commissioner districts,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 282,

A bill for an act to prevent the giving of liquor to minors and together with the amendments proposed by the Committee on Temperence,

And recommend the adoption of the amendments and the passage of the bill when so amended.

Also,

House Bill No. 184,

A bill for an act to repeal chapter 126 of the General Laws of 1885,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 102,

A bill for an act to encourage voting,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasolene manufactured from petroleum coal oil

Together with the amendments made by the Committee on Territorial Affairs, and recommend the passage of the bill.

Also,

House Bill No. 251,

A bill for an act to establish village school districts,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112 of the General Laws of 1883, of Dakota,

With the amendments of the Judiciary Committee, and recommend the adoption of the amendments and the passage of the bill when so amended.

Also,

House Bill No. 204,

A bill for an act regulating the assessment and equalization and appraisement of the property of railroad companies in Dakota,

And recommend that the further consideration of the bill be indefinitely postponed.

Also,

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to purchase time-lock safe for use of the office of territorial treasurer,

And recommend the passage of the bill.

Also,

House Bill No. 38,

A bill for an act to provide for the publication of acts of the Legislative Assembly in country newspapers, And recommend it be referred to a special committee of three appointed by the speaker.

Also,

Substitute for House Bills Nos. 83, 99, 45 and 12,

A bill for an act fixing the time and manner in which taxes on real and personal property shall be paid,

And recommend that the bill be amended as follows:

Strike out all after the word "after" in section 10 and insert "Jan. 1, 1888,"

And when so amended the bill do pass.

All of which is respectfully submitted.

E. A. WILLIAMS,
Chairman.

Mr. Hawk moved

To adopt the report of the committee of the whole except that portion relating to Council Bill No. 211.

Mr. Berry moved

To amend by excepting also House Bill No. 111.

Mr. Mentzer moved as a substitute motion

That the House adopt the report of the committee.

Yeas and nays demanded.

Call of the House demanded.

Mr. Burnham moved

To dispense with proceedings under the call.

Yeas and nays demanded.

The roll being called on the motion to dispense with further proceedings under the call, there were ayes, 26; nays, 15; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Elliott, Ely, Ensign, Fellows, Greene, Harkins, Mentzer, Miltimore, Moore, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Hawk, Hobart, Jones, Morris, Patten of Miner, Stewart of Walsh, Wise, Wolzmuth.

Absent and not voting:

Mr. Sprague.

Messrs. Hubbard, Mallory, McDonnell, Patton of Lawrence, Pruitt and White being excused.

So the motion to dispense with proceedings under the call prevailed.

The roll then being called on the motion to adopt the report of the Committee of the Whole there were ayes, 17; nays, 24; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Ely, Fellows, Greene, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Sullivan, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Morris, Patten of Miner, Schnaidt, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Ensign, Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt, White.

So the motion to adopt the report was lost.

Mr. Fellows moved

That the House do not concur in the Council amendments to House Bill No. 288, and that a committee of three be appointed as a conference committee,

Which motion prevailed, and

The Speaker appointed Messrs. Fellows, Mentzer and Williams of Burleigh as such committee on the part of the House.

Mr. Hobart moved

That the House do concur in the Council amendments to House Bill No. 323,

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Ensign moved

That the House do concur in the Council amendments to House Bill No. 201,

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Adams moved

That the House do now adjourn.

Roll call demanded.

The roll being called, there were ayes, 15; nays, 26; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Ely, Ensign, Fellows, Greene, Mentzer, Miltimore, Moore, Royer, Sprague, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Morris, Patten of Miner, Ruggles, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Mr. Shook.

Messrs. Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt, White being excused.

And so the motion to adjourn was lost.

Mr. Mentzer moved

To recommit the report of the committee of the whole to the Judiciary Committee.

Yeas and nays demanded.

The roll being called there were ayes 11; nays, 31; not voting, 6.

Those who voted in the affirmative were:

Messrs. Ely, Ensign, Fellows, Mentzer, Miltimore, Moore, Ruggles, Shook, Sprague, Williams of Burleigh, Wyman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, Morris, Patten of Miner, Royer, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Messrs. Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt and White being excused.

So the motion to recommit was lost.

Call of the House demanded.

Roll called.

All members being present, further proceedings under the call were dispensed with.

Mr. Greene moved

To adjourn.

Ayes and nays demanded.

The roll being called there were ayes 20; nays 22; not voting 6.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Ely, Ensign, Fellows, Greene, Hawk, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Jones, Morris, Patten of Miner, Schnaidt, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Messrs. Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt, White being excused.

Mr. Aikens moved

That House Bill No. 111 be read the third time and placed on its final passage.

Mr. Williams, of Burleigh, moved

To recommit the report to the Judiciary Committee.

The Speaker deciding that House Bill No. 111 was not properly before the House.

Mr. Aikens appealed from the decision of the chair.

The question being, shall the decision of the Speaker be sustained, a

Roll call demanded,

The roll being called, there were ayes, 24; nays, 17; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Elliott, Ely, Ensign, Fellows, Fletcher, Greene, Hawk, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Gilbert, Glendenning, Harkins, Hobart, Jones, Morris, Patten of Miner, Schnaidt, Stewart of Walsh, Ward, Williams of Grant, Wise.

Messrs. Hubbard, Mallory, McDonell, Pruitt, Patton of Lawrence and White being excused.

So the decision of the Speaker was sustained.

Mr. Aikens moved

That House Bill No. 111 be recalled from the Committee of the Whole.

Mr. Elliott moved the previous question.

The question being shall the main question be now put.

A roll call demanded.

The roll being called, there were ayes, 20; nays, 22; not voting, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Jones, Morris, Patten of Miner, Schnaidt, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Bidlake, Burnham, Cook, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Messrs. Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt, and White being excused.

So the previous question was lost.

Mr. Sprague moved

That the House do now adjourn.

Roll call demanded.

The roll being called, there were ayes, 22; nays, 20; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dodds, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Jones, Morris, Patten of Miner, Schnaidt, Stewart of Walsh, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Messrs. Hubbard, Mallory, McDonell, Patton of Lawrence, Pruitt, White being excused.

So the motion to adjourn prevailed, and

The House adjourned.

W. G. EAKINS,
Chief Clerk.

FIFTY-NINTH DAY.

BISMARCK, March 9, 1887.

House assembled at 1:30 o'clock p. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

All members present.

The committe to revise and correct the Journal made the following report:

MR. SPEAKER:

Your committee to whom was referred the revision and correction of the Journal have examined the same for March 7, 1887, and find the same correct as printed, except on page 12 House Bill 247 should read House Bill 245.

And on page 30 House Bill No. 267 should read House Bill No. 67.

On page 38 the words "Introduced by Mr. Dodge" should be sericken out; also "Introduced by Mr. Grigsby," and on page 39 strike out "Introduced by Mr. Grigsby," "Introduced by Mr. Campbell by request," "Introduced by Mr. Matthews by request," "Introduced by Mr. Matthews by request."

On page 41 the vote to indefinitely postpone should read "Nays 19 and ayes 16."

On page 42 Council Bill No. 255 should read House Bill No. 255.

On page 47 House Bill No. 119 should read Council Bill 119.

With these corrections, your committee recommend the adoption of the Journal.

C. I. MILTIMORE,
D. W. ENSIGN.
J. G. HAMILTON.

PETITIONS AND COMMUNICATIONS.

Mr. Dodds presented the following petition:

BARTLETT, DAK., March 2, 1887.

To the Honorable, the Legislative Assembly of the Territory of Dakota:

The undersigned citizens of Bartlett, D. T., and vicinity respectfully petition your honorable body to appropriate at least five thousand dollars to expose the frauds of the pine ring and organize the people to avert them by saving the remaining pine for the people for lumbering purposes under the Stumpage or Standish bill plan.

GEO. S. BARRETT, et al.

The speaker announced his signature to House Bills Nos. 186, 227, 201, 108, 323, 183, 48, 226, and Council Bills Nos. 119, 150, 294, 174, 313, 263, 217, 249, 235, 275, 243, 107.

Mr. Williams of Burleigh, moved

To suspend the rules and that Council Bill No. 20 be considered and that the amendments be adopted,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That the bill be placed upon its final passage at 4 o'clock p. m. this day,

Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:

The Judiciary Committee submit the following report:

They recommend the passage of the following bills:

House Bill No. 312,

A bill for an act to amend section 1 of chapter 41 of the General Laws of 1883.

Council Bill No. 147,

A bill for an act to provide when courts are opened for all purposes.

Council Bill No. 343,

A bill for an act to amend section 1 of chapter 106, General Laws of 1881.

House Bill No. 296,
A bill for an act to amend section 73 of chapter 28 of the Political Code.

Council Bill No. 37,
A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement,
Council Bill No. 91,
A bill for an act to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.

They also recommend the passage of
House Bill No. 104,
A bill for an act for the cancellation of county warrants,
With the amendments thereto attached and submitted herewith.

They return herewith
Council Bill No. 207,
A bill for an act to amend section 378, of chapter 15, of the code of Civil Procedure,
And recommend that it do not pass.

They also return
House Bill No. 33,
Lien on on grain and other crops,
By request of the House.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:
Your Committee on Federal Relations have had under consideration
Council Bill No. 113,
A bill for an act entitled "An act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory,"
And recommend that it do pass.

F. M. SHOOK,
Chairman.

MR. SPEAKER:
Your Committee on Appropriations has had under consideration,

Council Bill No. 15,

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution and providing for the government and maintenance of the same,

And report the same back without recommendation.

Also,

Council Bill No. 241,

A bill for an act to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as undergraduates applying for licenses to practice medicine in the Territory of Dakota,

And recommend the bill do pass.

Also,

Council Bill No. 227,

A bill for an act to appropriate funds for the payment of a claim against the Territory of Dakota for the printing of bills, joint resolutions and memorials for the Legislative Assembly of 1872–73, under authority of a joint resolution providing for and the election of a public printer for the Legislative Assembly and the Territory of Dakota.

And recommend the same do pass.

Also,

House Bill No. 307,

A bill for an act for the relief of George W. Vanderhule and Henry J. Southwick,

And offer the following amendments to section 1:

After the words "nine hundred and ninety-two dollars and fifteen cents ($992.15)" insert the words "or so much thereof as may be necessary."

In line eleven strike out the word "first." Strike out all of section 1 after the word "well" in line 12,

And recommend the bill pass as amended.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

Your Committee to whom was referred

Council Bill No. 183,

A bill for an act providing for appeals from county boards of equalization,

Respectfully beg leave to report that they have had the same under consideration, and recommend that the bill do pass.

Also,

House Bill No. 319,

A bill for an act for the qualification of township and county officers,

And return the same without recommendation.

JAMES M. MOORE,
Chairman.

Mr. Morris moved

That House Bill No. 334 be recalled from general orders and placed upon its third reading and final passage.

Mr. Williams moved

That the bill be made a special order for 4:30 o'clock p. m. of this day,

Which motion prevailed.

Mr. Terrill, by unanimous consent, introduced—

House Bill No. 349,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of health of persons and animals, and for other purposes,"

Which was read the first and second time and

Referred to the Committee on Public Health.

Mr. Ruggles, by unanimous consent introduced—

House Bill No. 350,

A joint resolution for an act compensating the clerks and other subordinate officers of the Legislative Assembly for extra services,

Which was read the first and second time and

Referred to the Committee on Appropriations.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil Proceedure,

Was read the first and second time, and

Referred to the Committee on Judiciary.

Council Bill No. 204,

A joint resolution relative to a division of the Territory and the admission of each half into the Union,

Was read the first and second time, and

Referred to the Committee on Territorial Affairs.

Council Bill No. 59,

A bill for an act amending chapter 79 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fifth Judicial District, and the time of holding court therein,

Was read the first and second time and

Referred to the Committee on Counties.

Council Bill No. 262,

A joint resolution and memorial to Congress, for the division of the Bismarck Land District,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 157,

A bill for an act to amend subdivision 7 of section 320, in chapter 26 of the Penal Code of the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 191,

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth Judicial District and the times of holding court therein,

Was read the first and second time and

Referred to the Committee on Counties.

Council Bill No. 246,

A bill for an act amending section 37 of chapter 1 of the Justices Code of Dakota,

Was read the first and second time and

Referred to the Judiciary Committee.

Council Bill No. 279,

A bill for an act entitled an act to amend section 197 and 199 and 218 of the Code of Civil Procedure,

Was read the first and second time and

Referred to the Judiciary Committee.

Council Bill No. 123,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and repeal sections 397 and 400 of the Code of Civil Procedure,

Was read the first and second time, and

Referred to the Judiciary Committee.

Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session Laws of 1885, entitled appeals in civil actions,

Was read the first and second time, and

Referred to the Judiciary Committee.

Council Bill No. 292,

A bill for an act to amend section 643 of the penal code

Was read a first and second time, and

Referred to the Judiciary Committee.

Council Bill No. 260,

A bill for an act relating to the insurance of public buildings in the Territory of Dakota,

Was read the first and second time, and

Referred to the Committee on Insurance.

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same,

Was read the first and second time and

Referred to the Committee on Ways and Means.

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Was read the first and second time and

Referred to the Committee on Ways and Means.

Council Bill No. 39,

A bill for an act to provide for the foreclosure of mortgages on real estate by action, and to abolish other methods of foreclosure of the same,

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 70,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "An act establishing Territorial and County Boards of Health, and providing for the protection of the health of persons and animals,"

Was read the first and second time, and

Referred to the Committee on Public Health.

Council Bill No. 149,

A bill for an act providing for the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease,

Was read the first and second time, and
Referred to the Judiciary Committee.

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly,

Was read the first and second time and
Referred to the Judiciary Committee.

Council Bill No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Was read the first and second time and
Referred to the Judiciary Committee.

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code entitled "Revenue,"

Was read the first and second time and
Referred to the Committee on Ways and Means.

Council Bill No. 167,

A bill for an act to amend section 271 and section 277 of the Code of Civil Procedure,

Was read the first and second time and
Referred to the Judiciary Committee.

Council Bill No. 136,

A bill for an act to amend articles 8 and 9 of chapter 12 of the Code of Civil Procedure, relating to bills of exceptions and new trials,

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 152,

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly, relating to building and loan associations,

Was read the first and second time and
Referred to the Committee on Territorial Affairs.

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil Procedure,

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 134,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the Commissioner of Immigration,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 228,

A bill for an act providing a remedy by garnishment in district courts in the Territory of Dakota,

Was read the first and second time, and

Referred to the Judiciary Committee.

REPORT OF THE COMMITTEE OF THE WHOLE.

Mr. Adams moved

That the House do now resolve itself into the Committee of the Whole to consider the report of the committee of yesterday, and to consider the amendments to House Bill No. 111,

Which motion prevailed, and

The Speaker called Mr. Dodds to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The Committee of the Whole have had under consideraation,

House Bill No. 111,

A bill for an act relating to the assessment of taxes on railroads.

And recommend the passage of the bill.

Respectfully,
D. S. DODDS,
Chairman.

Mr. Aikens moved

To adopt the report of the committee.

Which motion prevailed.

Mr. Mentzer moved

To reconsider the vote by which the report was adopted.

Yeas and nays demanded.

The roll being called there were ayes, 18; nays, 26; not voting, 4.

Those who voted in the affirmative were:

Messrs. Bidlake, Cook, Ely, Ensign, Fellows, Greene, Hobart, Mallory, McDonell, Mentzer, Miltimore, Pruitt, Ruggles, Sprague, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Moore. Morris, Patten of Miner, Schnaidt, Shook, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Jones, Patton of Lawrence, Royer, Stewart of Fall River.

Mr. Aikens moved

That the House concur in the Council amendments to House Bill No. 252,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

That the Committee on Appropriations report back House Bill No. 332 without recommendation,

Which motion prevailed.

The following reports were submitted:

MR. SPEAKER:

Your committee to whom was referred

House Bill No. 163,

Beg to report that they recommend that the amendments made to said bill by the Council be accepted by this House.

J. H. FLETCHER,
Chairman.

MR. SPEAKER:

Your Committee on Appropriations has had under consideration,

Council Bill No. 176,

A bill for an act to reimburse and pay Geo. W. Hopp for moneys advanced by him to pay for the plans and specifications for public buildings,

And report the same back without recommendation.

WM. N. BERRY,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 3:10 p. m. of this day,

House Bills Nos. 226, 227, 201, 48, 108, 323, 183 and 186

Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 226, 227, 201, 48, 108, 323, 183, 186,

And find the same correctly engrossed and enrolled.

A. J. PRUITT.
Chairman

EXECUTIVE OFFICE,
March 10, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

House Bill No. 141,

An act to provide for the extension of the Spearfish Normal School, and other purposes.

House Bill No. 197,

An act to provide funds for the purchase of experimental farm and the construction of dormitory, shops, laboratory and farm buildings for the Agricultural College of Dakota, at Brookings, and for other purposes.

House Bill No. 216,

An act to provide funds for the construction of a dormitory and wing of main building of the University of Dakota.

Respectfully,
L. K. CHURCH,
Governor.

Mr. Hubbard moved

That the House do concur in the Council amendment to House Bill No. 267,

Which motion prevailed.

Mr. Berry, by unanimous consent, offered the following resolution:

Resolved by the House of Representatives that the salary of Jerry Sullivan, head janitor, be fixed at $4 per day and that the salary of Harry Brown, assistant janitor, be fixed at $3 per day, for each legislative day of the session,

Which motion prevailed and

The resolution was adopted.

Mr. Bidlake offered the following resolution, by request:

Resolved, That the compensation of the officers and employes of the House of Representatives of the Seventeenth Legislative Session be fixed as follows, to-wit: The chief clerk, $7.00 per pay; the assistant clerk, $7.00 per day; the doorkeeper, $6.00 per day; janitor, $6.00 per day; sergeant-at-arms, $6.00 per day; assistant sergeant-at-arms, $6.00 per day; watchman, $6.00; postmaster, $6.00 per day; messenger, $6.00 per day; enrolling and engrossing clerk, $6.00 per day during each and every legislative day, which compensation shall be paid by the auditor of the Territory of Dakota on presentation of a certificate of performance of the respective duties of such offices, signed by the Speaker of the House of Representatives and attested by the chief clerk thereof. There is hereby appropriated out of the funds in the territorial treasury not otherwise appropriated a sum sufficient to pay the amount hereby appropriated.

Mr. Patten, of Miner, moved

That the resolution be laid on the table.

Which motion prevailed.

The Judiciary Committee submitted the following report:

MR. SPEAKER:

The Judiciary Committee have had under consideration Substitute for Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school township district in the Territory of Dakota,

And recommend that the amendments of the committee submitted herewith be adopted, and that as amended, the bill do pass.

FRANK R. AIKENS,
Chairman.

Amendments to Substitute for Council Bill No. 236:

Strike out all after the enacting clause, and amend the bill to read as follows:

SECTION 1. All bonds, warrants, orders or other evidences of indebtedness heretofore issued by any incorporated board of education or school district, prior to July 30th, 1886, under and by authority of any special or general law, may be refunded in the discretion of the proper officers of such incorporated board of education or school district, in the manner hereinafter provided, whenever there is not sufficient money in the treasury of such incorporated board of education or school district legally applicable thereto, to pay such bonds, warrants, orders or other evidences of indebtedness.

SECTION 2. Said bonds shall be in denominations of not less than $100, nor more than $1,000, and shall be numbered consecutively, and shall bear date of their issue, and shall be made payable to the purchaser or bearer and shall be made payable not less than ten nor more than twenty years from their date of issue and shall bear a rate of interest not exceeding seven (7) per cent. per annum, payable annually or semi-annually as shall be agreed upon by the parties interested, and shall have interest coupons attached representing each interest payment and the principal, and interest shall be made payable at such place as may be agreed upon by the contracting parties. Said bonds shall be printed, lithographed or engraved on good bond paper and a duly authenticated copy of this act shall be printed on the back of each bond and they shall recite upon their face that they have been issued under and by authority of this act (naming it by its title and giving the date of its approval).

SEC. 3. Bonds issued under the provisions of this act shall be authorized in the case of an incorporated board of education after the issuance of bonds shall have been approved by an election as hereafter provided, by a resolution of the board of education, and said bonds shall be executed by the president and attested by the clerk thereof, and the seal of said board of education shall be affixed thereon; and in the case of a school district they shall be authorized by a resolution of the school board and shall be executed by the president or director of such board as the case may be, and attested by the clerk thereof.

SEC. 4. The officers authorized by the provisions of this act to authorize the issuance of the bonds shall provide for the sale and negotiation thereof, or for the exchange of said bonds for the outstanding bonds, warrants, orders or other evidences of indebtedness authorized to be refunded under this act as they may deem best, provided that such refunding bonds shall not be sold or exchanged for less than their par value.

SEC. 5. Register of all bonds issued under the provisions of this act shall be made by the clerk of the board issuing them and shall be kept in his office as a public record showing the number, date, amount, rate of interest (whether payable annually or semi-anually) and the time and place of payment of all bonds so executed and issued.

SEC. 6. And after such outstanding bonds. warrants, orders, or other evidences of indebtedness shall have been so refunded the same shall be registered in the manner hereinbefore provided, for bonds issued under the provisions of this act. and shall be cancelled by writing across the face of each bond, warrant, or other evidence of indebtedness, the words: "Paid by refunding bond No....., this......day of......188.." (inserting the number, date and amount), and the clerk shall carefully preserve such refunded evidence of indebtedness.

SEC. 7. At the same time that other taxes are levied, there shall be levied annually on the taxable property of any school district or city whose incorporated board of education is authorized to levy taxes upon the taxable property therein for the support and maintenance of the school therein, a tax sufficient to pay the interest on such bonds as the same become due, and after seven (7) years from the date of such bonds, in addition thereto annually a sinking funding tax sufficient to pay the principal of such bonds when they mature, which taxes shall become due and be collected the same as other taxes.

SECTION 8. When said bonds and the several interest coupons thereto attached mature it shall be the duty of the treasurer of such incorporated board of education or school district issuing them to pay the same on presentation, and to cancel them as hereinbefore provided for the cancellation of refunded bonds, warrants, orders, or other evidences of indebtedness.

SECTION 9. The question of refunding such bonds, warrants, orders, or other evidences of indebtedness shall be first submitted to a vote of the qualified electors of the town or city wherein said board of education shall be situated or doing business, or in said school district by giving twenty (20) days notice of such submission by posting up written notices in three (3) of the most conspicious and public places within the limits of such board of education or school district, by publishing said notice for twenty (20) days in a newspaper, published in the county, giving the time and place of holding such election and the amount of bonds to be issued in refunding, the rate of interest which they shall bear and the lenght of time they shall run. And the voting shall be done by means of written or printed ballots, and all ballots deposited in favor of issuing the bonds shall have thereon the words "For issuing bonds in the amount of $——," (naming the amount,) and those opposed thereto shall have therein the words "Against issuing bonds," and if two-thirds ($\frac{2}{3}$) of all the votes cast shall be in favor of issuing bonds, the proper officers shall forthwith proceed to issue bonds in accordance with the votes cast, but if one-third ($\frac{1}{3}$) of all the votes cast are opposed to issuing bonds then no further action can be had and the question shall not again be submitted to a vote for one year thereafter. Provided, that no school district in which less than twenty-five legal votes were cast at the annual school election next preceding the election herein provided for, shall avail themselves of the provisions of this act.

SEC. 10. All acts or parts of acts, whether general or special provisions of the charter of any incorporated board of education or city in conflict with the provisions of this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage and approval.

The report was adopted.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 91,

A bill for an act to amend sections 1, 2, 3, 4 and 9 of chapter 72 ot the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 28; nays, 0; not voting, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cooper, Dutch, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:
Messrs. Adams, Berry, Bidlake, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Greene, Jones, Shook, Stewart of Walsh, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Messrs. Royer and White being excused.

So the bill passed and
Its title was agreed to.
Council Bill No. 194,
A bill for an act making an appropriation for the purpose of constructing and furnishing a building for the Territorial Normal School at Springfield, Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 33; nays, 9; not voting, 6.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Dutch, Ely, Fellows, Fletcher, Gilbert, Greene, Hawk, Hobart, Hubbard, Jones, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cook, Glendenning, Harkins, Mallory, Mentzer, Terrill, Williams of Grant.

Absent and not voting:
Messrs. Dodds, Elliott, Ensign, Wyman.

Mr. Royer being excused.

Mr. Cooper, paired.

So the bill passed and
Its title was agreed to.
Mr. Sullivan moved
That the vote by which Council Bill No. 194 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

The Speaker announced his signature to
House Bill No. 284.

Council Bill No. 236,

A bill for an act to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 36; nays, 4; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Moore, Patton of Lawrence, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cooper, Schnaidt, Williams of Grant, Wise.

Absent and not voting:

Messrs. Fletcher, Mentzer, Morris, Patten of Miner, Stewart of Walsh, Wyman.

Messrs. Royer and White being excused.

So the bill passed, and

Its title was agreed to.

Mr. Burnham moved

That the vote by which Council Bill No. 236 was passed be reconsidered and that the motion to reconsider be laid on the table.

Which motion prevailed.

Council Bill No. 15.

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution and providing for the government and maintenance of the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 18; nays, 21; not voting, 10.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cook, Ely, Fellows, Gilbert, Greene, Hawk, Hobart, Hubbard, Patton of Lawrence, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Burnham, Cooper, Dodds, Dutch, Elliott, Ensign, Glendenning, Harkins, Jones, Mallory, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Ruggles, Schnaidt, Terrill, Ward.

Absent and not voting:

Messrs. Fletcher, McDonell, Mentzer, Royer, Stewart of Walsh, White, Williams of Grant, Wise, Wyman.

So the bill was lost.

Council Bill No. 147,

A bill for an act to provide when courts are opened for all purposes,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 27; nays none; not voting, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Elliott, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Cook, Cooper, Dutch, Ely, Ensign, Fletcher, Greene, Hobart, Jones, Mallory, McDonell, Mentzer, Royer, Schnaidt, Shook, White, Williams of Grant, Wise, Wyman.

So the bill passed, and

Its title was agreed to.

Council Bill No. 37,

A bill for an act to amend section 615 of chapter 28 of the Code of Civil Procedure in relation to costs in foreclosure of mortgages by advertisement,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 32; nays, 11; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Cook, Cooper, Dutch, Gilbert, Hubbard, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Williams of Grant, Wise.

Absent and not voting:
Messrs. Fletcher, Greene, Mentzer, Royer, White.

So the bill passed and
Its title was agreed to.

Mr. Adams moved
That the vote by which Council Bill No. 15 was lost be reconsidered.

Mr. Burnham moved
To lay the motion on the table,
Which motion was lost and
The original motion prevailed.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 10, 1887.

To the Speaker of the House of Representatives;

House Bill No. 57,
An act providing for the locating, establishing and building of a Soldiers' Home, and providing funds for the same
Is herewith respectfully returned without my approval.

Section 1 of this act provides that the sum of five hundred dollars be and is hereby appropriated out of the funds provided for in this act, for the purpose of procuring and preparing grounds, and for the purpose of erecting suitable buildings and fixtures thereon, and furnishing and equipping the same. Section 2 of said act provides that the soldiers' home shall be located within two miles of the town of Hot Springs and within the county of Fall River, and upon a tract of land of not less than eighty acres; provided that the city of Hot Springs shall donate the eighty acres. The bill provides for the issuance of twenty-five thousand dollars worth of bonds for the purpose of erecting a building, which section 21 provides shall be of good stone or mar-ble. Section 10 of said act provides that the board is empowered to select and establish within four months after the adjournment of the legislature a tract of not less than eighty acres of land. The appropriation of five hundred dollars alluded to in section one, and the power conferred by section ten to purchase and locate the land, shows that there is not much faith possessed by the originators of the bill, that the city of Hot Springs will donate eighty acres of land for the purpose contemplated by the act. Section 11 provides for the erection of a building at a cost not to exceed the amount appropriated by this act. Section 16 authorizes one of the members to visit similar institutions now in operation, and by personal investigation to acquire an insight into the principle and practical workings of similar houses, for the information of the board, and the expenses of such investigation are to be charged against the appropriation contemplated, I am of the opinion that the erection of a suitable institution, which would be worthy of the spirit of our people and which would fitly recognize the services of the brave soldiers and sailors of the late war, and which would furnish them a comfortable home in a suitable location, cannot be accomplished by an appropriation of this amount. There seems to be no certainty that the city of Hot Springs will donate any portion of the land. The bill itself, as I have pointed out, indicates such uncertainty. There is no provisions made, even if the city were to give the land, as to whether or not it should be in a desirable location, merely a general proviso that the city may give it, within two miles of Hot Springs.

The action of the Council in passing bills establishing homes at four different points in the Territory, to-wit: Wahpeton, Hot Springs, Pierre and Frankfort indicates of itself the uncertainty that exists as to the proper place at which an institution of this kind should be located. In a matter of this kind those most deeply concerned and interested might well be considered, and who could better select a location for a soldiers' and sailors' home than the soldiers and sailors themselves, and a bill might with propriety be passed, referring the whole matter to the members of the Grand Army of the Republic, and allow them to take such action in the matter as will convey to the Legislature what their real desires are as to selecting a location for an institution of this kind. I am informed that the federal government has just completed at Kansas City a home of this character, complete with all modern improvements and with surroundings that not only will insure comfort to its occupants, but which are pleasant in the extreme, and that there is ample room to receive such soldiers and sailors as desire to become members of the same. The appropriation of $25,000 dollars is certainly entirely inadequate to ever begin to erect a suitable structure for a home of this character. I am of the opinion that an institution of this kind is not at present needed. It might be well to take such steps as are necessary to secure a proper site, and then at some future time erect a suitable home for these brave heroes, which will not only be a credit and an honor to ourselves, but likewise a token of our gratitude for their brave deeds.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Stewart, of Fall River, moved

That the message of the Governor returning House Bill No. 57, without his approval, be referred to the Committee on Judiciary,

Which motion prevailed.

The Speaker announced his signature to Council Bills Nos. 309, 256, 238, 218, 230, 184, 296, 277, 322, 251, 253, 222, 121.

COMMITTEE OF THE WHOLE.

Mr. Aikens moved

That the House do now go into committee of the whole to consider the report of the committee of the whole on House Bill No. 111,

The motion prevailed, and

The Speaker called Mr. Dodds to the chair.

When the committee rose the following report was submitted:

MR. SPEAKER:

The committee of the whole have had under consideration the report of the committee of the whole and the amendments to

House Bill No. 111,

And recommend the following amendments to House Bill No. 111, and when so amended the bill do pass and be immediately placed upon its final passage:

Amend such bill by adding to section 15, as proposed by Railroad Committee, the following: "Provided, however, that nothing in this act shall be construed as applying to any railroad corporation doing business in this Territory which has a grant by any act of congress exempting its right of way from taxation, but as to such railroad company or companies the law now in force contained in chapter 99 of the General Laws of the year 1883, relating to taxation, shall be and remain in full force.

The following shall constitute section 15:

"Chapter 99 of the General Laws of the Territory of Dakota, approved March 9, 1883, so far as it exempts agricultural, grazing and timber lands, or city and town lots belonging to railroad companies from taxation, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Section 15 shall be numbered 16.

D. S. DODDS,
Chairman.

Mr. Aikens moved the adoption of the report,
Which motion prevailed.

Mr. Williams of Burleigh, moved
To reconsider the vote by which the report was adopted,
Which motion was lost.

Mr. Hubbard moved
That the House concur in Council amendments to House Bill No. 267,
Which motion prevailed.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 4:35 p. m. of this day
House Bill No. 284,
Was delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined
House Bill No. 284,
And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

The following reports of conference committees were submitted:

MR. SPEAKER:

The committee of conference appointed to adjust the differences existing between the two houses on

House Bill No. 288,

Report as follows, viz:

That they have conferred freely, and as a result of such conference recommend that the Council recede from its amendments so far as they relate to the items hereinafter referred to.

The committee further recommend that the item for salaries of instructional force be fixed at $25.000.00; that the item for salaries of engineer, fireman and janitor be fixed at $24,00.00; that the item for salary of secretary be fixed at $2,000.00; that the item for library be fixed at $2,000.00.

WM. H. FELLOWS,
T. F. MENTZER,
E. A. WILLIAMS,
Managers for the House.

ALEXANDER HUGHES,
JOHN D. LAWLER,
W. T. COLLINS,
Managers for the Council.

MR. SPEAKER:

Your joint committee appointed to consider House Bill No. 34, recommend that the bill be amended by inserting the words "two thousand (2,000)" after the words "the sum of" in section 1, and so amended recommend that the bill do pass.

F. GREENE,
J. H. FLETCHER,
T. F. MENTZER,
Managers for the House.
JOHN CAIN,
E. C. ERICSON,
ALEXANDER HUGHES,
Managers for the Council.

Mr. Fellows moved

That the report of the conference committee on House Bill No. 288 be adopted and the amendments be concurred in by the House,

Which motion prevailed.

Mr. Fletcher moved

That the report of the conference committee on House Bill No. 34, be adopted by the House and the amendments concurred in,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 252,

A bill for an act entitled "an act to provide for the issuing of bonds and for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate money therefor,

Which has been amended as follows:

Strike out the words "one hundred and ninety-four thousand five hundred," and the figures "$194,500" where they occur in the 21st, 22d and 23d lines of section 1 of the written bill, and insert in place thereof the words and figures "one hundred and fifty-three thousand ($153,000.")

Strike out the words and figures "$90,000" in the 24th line of section 1 of the written bill and insert instead the words and figures "$70.000."

Strike out the words and figures "$9,500" in line 26 of section 1, written bill, and insert instead the words and figures "$5,000."

Strike out the words and figures "$10,000" in line 27 of section 1, written bill, and insert instead the words and figures "six thousand ($6,000)."

Strike out the words and figures "$3,000" in line 30, section 1 of written bill and insert instead the words and figures "two thousand ($2,000)."

Strike out the words and figures "$12,500" in line 32, section 1 of written bill and insert instead "ten thousand ($10,000)."

Strike out the words and figures "$2,500" in line 36, section 1, written bill, and insert "fifteen hundred ($1,500)."

Strike out the words and figures "$1,500" in line 38, section 1, written bill, and insert "five hundred ($500)."

Strike out the words and figures "$2,000" in line 40 and insert instead "one thousand ($1,000)."

Strike out the words and figures "$10,000" in 41st line, section 1, written bill, and insert "six thousand ($6,000)."

Strike out the last eight lines of section 1 of the written bill.

Amend section 2 by striking out of said section the words and figures "$194,500" where they occur and insert instead "one hundred and fifty-three thousand ($153,000)."

Amend section 9 by striking out "$194,500" where it occurs and insert instead "one hundred and fifty-three thousand ($153,000)."

And as thus amended has been passed by the Council.

Your concurrence in that action is respectfully requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 323,

A bill for an act appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes,

Which has been amended by reducing the amount allowed for library from one thousand (1,000) dollars to five hundred (500) dollars, and as thus amended has been passed, and

House Bill No. 201,

A bill for an act for the establishment of free libraries and reading rooms in cities, villages and townships in the Territory of Dakota,

Which has been amended by inserting the words "and such library may be organized," after the words "village or township," in section 7, line 20, (printed bill), and passed, and

House Bill No. 288,

A bill for an act appropriating funds for the maintenance of the University of North Dakota, at Grand Forks, D. T.

Which has been amended by striking out in line 12, section 1, the amount "$30,600," and inserting in lieu thereof "$20,000," by striking out for the pay of engineers, firemen and janitors the amount "$2,600," and inserting "$1,800," by striking out for library fund "$5,000," and inserting "$1,000," and for salary of secretary strike out "$2,400" and insert "$1,200," And as thus amended has been passed.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10th, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 39,

A bill for an act to provide for the foreclosure of mortgages on real estate by action and to abolish other methods of foreclosure of the same.

Council Bill No. 70,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals.

Council Bill No. 134,

A bill for an act to provide for the printing, publishing, and other current and necessary expenses of the office of the Commissioner of Immigration,

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Council Bill No. 246,

A bill for an act amending section 37 of chapter 1 of the Justices Code of Dakota,

Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session Laws of 1885, entitled appeals in civil actions,

Council Bill No. 292,

A bill for an act to amend section 643 of the Penal Code

Council Bill No. 279,

A bill for an act entitled an act to amend section 197 and 199 and 218 of the Code of Civil Procedure,

Council Bill No. 260,

A bill for an act relating to the insurance of public buildings in the Territory of Dakota,

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same,

Council Bill No. 167,

A bill for an act to amend section 271 and 277, Code of Civil Procedure.

Council Bill No. 136,

A bill for an act to amend articles 8 and 9, of chapter 12 of the Code of Civil Procedure.

Council Bill No. 152,

A bill for an act to amend chapter 34 of the Game Laws of the Sixteenth Legislative Assembly.

Council Bill No. 104,

A bill for an act to amend section 38, chapter 28 of the Political Code, entitled "Revenue."

Council Bill No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure.

Council Bill No. 149,

A bill for an act providing the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease.

Council Bill No. 187,

A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition.

Council Bill No. 123,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and to repeal sections 397 and 405 of the Code of Civil Procedure.

And to return herewith

House Bill No. 165,

A bill for an act for an appropriation for the payment of armory rent for regimental bands of the Dakota National Guard.

House Bill No. 179,

A bill for an act providing for the payment of John P. Hoagland for repairing the hall of the House of Representatives,

House Bill No. 299,

A bill for an act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes,

House Bill No. 274,

A bill for an act to provide funds for the maintenance of the University of Dakota, at Vermillion,

Which have been passed unchanged, and

House Bill No. 267,

A bill for an act to provide seed to the sufferers of drought, hail and wind storms of the year 1886, in the several counties of the Territory of Dakota,

Which has been amended by adding to section 3:

Providing that not to exceed fifly bushels of said seed grain shall be furnished to any one applicant.

Very respectfully,
T. A. KINGSBURY.
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 293,

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building,

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 211,

A bill for an act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota,

Which has been passed by the Council.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill No. 326.

A bill for an act to amend section 1, chapter 48, Special Laws of 1885, entitled, "an act to provide for the payment of clerical work in the executive office."

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the Political code relating to jurors.

Council Bill No. 307,

A bill for an act to provide for struck juries.

Council Bill No. 158,

A bill for an act to publish the General Laws of the Seventeenth Legislative Assembly in the newspapers of the Territory and making an appropriation to pay for the same.

Council Bill No. 298, (substitute),

A bill for an act providing for the dissolution of civil township organizations.

Council Bill No. 325,

A bill for an act to amend chapter 103 of the Session Laws of 1883, retating to the territorial treasurer entitled, "an act to amend section 3 of chapter 39 of the Political Code and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881."

Council Bill No. 283,

A bill for an act to amend section 407 of the Civil Code relating to corporations.

Council Bill No. 321,

A bill for an act for refunding outstanding indebtedness of the Territory, issued in 1881, bearing 6 per cent., for the construction of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls, and the 5 per cent. bonds issued for the construction of the west wing of the hospital at Yankton,

Council Bill No. 281,

A bill for an act to amend section 61, chapter 28, of the Political Code entitled "Revenue,"

Council Bill No. 285,

A bill for an act fixing the date of annual elections in independent school districts not within the boundaries of incorporated cities, towns and villages in the Territory of Dakota.

Council Bill No. 305,

A bill for an act prescribing a form for the acknowledgement of deeds and other instruments and to legalize acknowledgements heretofore made by deputy sheriffs.

Council Bill No. 208,

A bill for an act to amend section 407, article 3, chapter 3 of the Civil Code. relating to corporations.

Amend House Bill No. 288 by striking out in line 12, section 1, the amount "$30,600" and inserting in lieu thereof "$20,000,"

By striking out for pay of engineers, firemen and janitors the amount "$2,600" and insert "$1,800,"

By striking out for library fund "$5,000" and insert "$1,000."

For salary of secretary strike out "$2,400" and insert "$1,200."

Council Bill No. 80,

A bill for an act to amend section 13, chapter 39, of the Political Code, concerning compensation of public officers,

And to return

House Bill No. 35.

A bill for an act providing for bounty for killing gophers and providing for the payment of the same,

Which has been passed by the Council with certain amendments as follows:

By striking out section 1 and substituting:

SECTION 1. The county commissioners of each county in this Territory may in their discretion offer a bounty, not to exceed three cents for each grey or striped gopher and not to exceed five cents for each pocket gopher killed within the limits of their county.

Amend section 2 by striking out the words "gopher fund" in last line and insert "county general fund."

Strike out section 6 and substitute the following:

SEC. 6. The warrants so drawn shall be paid by the county treasurer out of the county general fund, provided that no warrant shall be drawn or bounty paid for less than fifty gophers at one time to the same applicant.

And that said bill as so amended, do pass.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 257.

A bill for an act to provide for the issuance of bonds and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor,

Which has been passed by the Council with an amendment providing that the rate of interest on the bonds provided for shall not exceed five per cent.

Your concurrence is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Jones moved

That the House do now resolve itself into Committee of the Whole to consider

House Bill No. 334,

Which motion prevailed, and

The Speaker called Mr. Hawk to the chair.

When the committee rose the following report was made:

MR. SPEAKER:

The Committee of the Whole have had under consideration.

House Bill No. 334,

A bill for an act to change place of county seats.

And recommend to amend by striking out all after the word "located," in the second line of the printed bill up to the word "in," in the fifth line of printed bill, and when so amended, the bill do pass.

Respectfully,
W. J. HAWK,
Chairman.

The House then took an informal recess until 8 o'clock p. m.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 150,

A bill for an act to amend an act entitled an act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same.

House Bill No. 142,

A bill for an act to provide for the location of alleys in cities and incorporated towns and villages.

House Bill No. 327,

A bill for an act to amend section 70 of chapter 28 of the Political Code, entitled "Revenue."

House Bill No. 238,

A bill for an act entitled an act to change the name of the Dakota Brokerage Investment Company, of Sioux Falls.

House Bill No. 278,

A bill for an act legalizing the acts of A. L. Bain, as Notary Public of the Territory of Dakota.

House Bill No. 128,

A bill for an act to repeal an act entitled an act to enable school districts of the counties of Barnes and Griggs to fund their indebtedness, approved March 12, 1885.

House Bill No. 328,

A bill for an act appropriating $7,700 for improvement of grounds and building of Grand Forks University.

House Bill No. 337,

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886,

Which have been passed by the Council unchanged.

Very respectfully.
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to report that the Council has adopted the report of the conference committee on

House Bill No. 34,

Fixing the sum allowed in the bill at $2,000.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The Speaker announced his signature to House Bills Nos. 211, 299, 179, 274, 336.

Mr. Burnham moved

That all House and Council Bills be, immediately upon their passage, transmitted to the Council,

Which motion prevailed.

Mr. Ward moved

That the House concur in the Council amendments to House Bill No. 257,

Which motion prevailed.

Mr. Shook moved

To concur in the Council amendments to House Bill No. 35.

Which motion prevailed.

Mr. Williams, of Burleigh, moved

That Council Bills Nos. 227 and 241 be read the third time and placed on its final passage.

Which motion prevailed.

Council Bill No. 241.

A bill for an act to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as undergraduates applying for licenses to practice medicine in the Territory of Dakota,

Was then taken up, read the third time and placed upon its final passage.

The roll being called, there were ayes, 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Cooper, Fletcher, Jones, Moore, Patton of Lawrence, Pruitt, Sprague, Stewart of Walsh, Sullivan, Williams of Grant.

Messrs. White and Wyman being excused.

So the bill passed and

The question being as to its title, it was amended by inserting after the word "as" examiners of, and

The title as so amended was agreed to.

Council Bill No. 227,

A bill for an act to appropriate funds for the payment of a claim against the Territory of Dakota for the printing of bills, joint resolutions and memorials for the Legislative Assembly of 1872–73, under authority of a joint resolution providing for and the election of a public printer for the Legislative Assembly and the Territory of Dakota,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 34; nays, none; not voting, 14.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Morris, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messers. Burnham, Ensign, Fletcher, Greene, Jones, Mallory, Moore, Patton of Lawrence, Royer, Stewart of Walsh, Terrill, Ward.

Messrs. White and Wyman being excused.

So the bill passed, and

Its title was agreed to.

Mr. Shook moved

That the House do concur in Council amendments to House Bill No. 35,

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Wyman was excused for the balance of the day on account of sickness.

The following report was submitted:

MR. SPEAKER:

Your Committee on Towns and Cities have had under consideration

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations,

And recommend the passage of the same.

E. W. TERRILL,
Chairman.

The Speaker announced his signature to House Bills Nos. 252 and 267.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 272.

A bill for an act to amend sections 10 and 11 of chapter 68 of the General Laws of 1885,

Which the Council has amended as follows:

Amend the bill to read as follows:

A BILL.

For an Act to Amend Sections 10 and 11 of Chapter 68 of the General Laws of 1885, Entitled, "an Act Establishing the North Dakota Hospital for the Insane and Providing for the Government of the Dakota Hospitals for the Insane."

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SEC. 1. That section 10 of chapter 68 of the General Laws of 1885 entitled "an act establishing the North Dakota Hospital for the Insane and providing for the government of the Dakota Hospitals for the Insane" be and the same is hereby amended by striking out the words "except steward" where they occur in said section, and that said section 11 of said chapter be and the same is hereby amended by inserting after the word "shall" in the first line of said section the following words: "under the direction of the superintendent:" also by striking out the words "under the direction of the board of trustees" where the same occur after the word "hospital" in said section.

SEC. 2. This act shall be in force from and after its passage and approval.

And as thus amended has passed.

Your concurrence in the amendments is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Stewart, of Fall River, moved

That the House do concur in Council amendments to House Bill No. 272,

Which motion prevailed, and
The Council amendments were concurred in.

COMMITTEE OF THE WHOLE.

Mr. Cooper moved
That the House do now resolve itself into Committee of the Whole for the consideration of the special order for this time, Council Bill No. 2,
Which motion prevailed, and
The Speaker called Mr. Dodds to the chair.

When the committee rose, the following report was made:

MR. SPEAKER:

The Committee of the Whole have had under consideration

Council Bill No. 2,
A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain and defining the duties of the railroad and warehouse commission in relation thereto,

And have amended the same as follows:
Amend section 6 by inserting the words "for each and every elevator operated," after the figures 200,000.
Also the words "for each and every elevator," after the figure $1.

And strike out all of section 6 after the word "same" in the eleventh line.
Change 200,000 to 50,000 in the fifth line, and $10,000 to $2,000.

And recommend that it do pass without amendment.

D. S. DODDS,
Chairman.

Mr. Sprague moved

That the report of the Committee of the Whole be adopted,

Which was lost.

Mr. Hawk moved
To refer the bill to a special committee of five,
Which motion prevailed, and

The Speaker appointed Messrs. Cooper, Elliott and Ward as such committee.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10th, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 137,

A bill for an act entitled "an act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the Territory of Dakota,"

Which has been amended as follows:

Amend section 1, line 21, after the word "qualification," insert "a fee of ten dollars, and for re-examination a fee of five dollars;" also strike out the word "or" and insert in lieu thereof the word "for." In line 22, after the word "of," strike out the word "ten" and insert the word "two."

Section 1, page 2, strike out all of line 4 to 13 inclusive.

Section 1, page 3, in line 1 strike out all after the word "board."

And passed with such amendments.

Your concurrence therein is requested.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 302,

A bill for an act to prevent the spread of contagious diseases among sheep,

Which has passed the Council unchanged, and

House Bill No. 301,

A bill for an act to prevent the spread of contagious or infectious diseases among domestic animals,

Which has been amended as follows:

Add the word "be" at the end of line 7 of section 3, printed bill; strike out all of section 16 after the word "fund," in line 11 of the printed bill. Add after section 16 a section to be numbered 17.

SEC. 17. Hereafter it shall be the duty each year of the Territorial Board of Equalization at the time of making the annual assessment to levy a special tax not exceeding one mill on the dollar upon the assessed value of all cattle, horses and mules in the Territory, to be known as the stock indemnity fund. Said tax shall be levied and collected by the several counties and paid to the territorial treasurer in the manner provided by law for the levying, collection and payment of other territorial taxes. Said fund shall constitute the stock indemnity fund specified by this act to be used in paying for animals destroyed under the provisions thereof. It shall be used exclusively for that purpose, and shall be paid out by the territorial treasurer as hereinbefore provided for.

That sections 17 to 22 be numbered consecutively from 18 to 23.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Hobart moved

That the House do concur in the Council amendments to House Bill No. 302,

Which motion prevailed, and

The Council amendments to the bill were concurred in.

The following reports were submitted at this time:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 6:30 p. m., of this day,

House Bills Nos. 336, 274, 299, 179 and 211,

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 336, 274, 299, 165, 179 and 211,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 267 and 252,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Territorial Affairs, to whom was referred

Council Bill No. 262,

A joint resolution and memorial to Congress, for the division of the Bismarck Land District,

Have had the same under consideration and recommend that the same do pass.

Also,

Council Bill No. 134,

A bill for an act to provide for the printing, publishing, and other current and necessary expenses of the office of the Commissioner of Immigration,

Which we recommend do pass.

Also,

Council Bill No. 204,

A joint resolution relative to a division of the Territory and the admission of each half into the Union,

Which we recommend do pass.

Also,

Council Bill No. 152,

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly relating to building and loan associations,

Which we recommend be referred to your Committee on Judiciary.

DONALD STEWART,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112 of the General Laws of 1883, of Dakota,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 26; nays, none; not voting, 22.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Dodds, Ensign, Fletcher, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Sprague, Stewart of

Walsh, Terrill, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Gilbert, Jones, Mallory, Ruggles, Schnaidt, Shook, Stewart of Fall River, Sullivan, Ward, Williams of Grant.

Messrs. Patton of Lawrence, White, Wyman being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to purchase time-lock safe for use of the office of territorial treasurer,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 29; nays, none; not voting, 19.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, McDonell, Miltimore, Morris, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Cooper, Dutch, Elliott, Ely, Fellows, Hawk, Hobart, Jones, Mallory, Mentzer, Moore, Pruitt, Stewart of Fall River, Sullivan, Ward.

Messrs. Patton of Lawrence, White and Wyman, being excused.

So the bill passed, and

Its title was agreed to,

House Bill No. 256,

A bill for an act to amend chapter ninety-nine (99) of the General Laws of 1883, being an act to provide for the levy and collection of taxes upon the property of railroad companies in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 23; nays, 2; not voting, 23.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, McDonell, Miltimore, Patten of Miner, Shook, Sprague, Stewart of Fall River, Terrill, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:
Messrs. Greene and Ruggles.

Absent and not voting:

Messrs. Adams, Bidlake, Cook, Cooper, Dutch, Elliott, Ely, Fellows, Jones, Mallory, Mentzer, Moore, Morris, Pruitt, Royer, Schnaidt, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh.

Messrs. Patton of Lawrence, White, and Wyman, being excused.

So the bill passed and
Its title was agreed to.

House Bill No. 282,

A bill for an act to prevent the giving of liquor to minors,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 25; nays, 0; not voting, 23.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Miltimore, Patten of Miner, Royer, Shook, Sprague, Stewart of Fall River, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Greene, Jones, Mallory, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Pruitt, Ruggles, Schnaidt, Stewart of Walsh, Sullivan, Ward.

Messrs. White and Wyman being excused.

So the bill passed and

Its title was agreed to.

House Bill No 345,

A joint resolution providing for the payment of Aaron Cheatam and John Ostland for hack hire during call of the House,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 39; nays, 2; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Hawk, Hobart, Mentzer, Miltimore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Greene, Harkins.

Absent and not voting:

Messrs. Cooper, Dodds, Dutch, Elliott, Ely, Hubbard, Jones, McDonell, Moore, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan.

Messrs. Mallory, Patton of Lawrence, White, Wyman being excused.

So the bill passed, and

Its title was agreed to.

House Bill No. 104,

A bill for an act for the cancellation of county warrants,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 24; nays, 4; not voting, 20.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Morris, Ruggles, Sprague, Stewart of Fall River, Terrill, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Hawk, McDonell, Williams of Burleigh.

Absent and not voting:

Messrs. Cooper. Elliott. Ely, Fellows, Fletcher, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Stewart of Walsh, Sullivan, Ward, Williams of Grant.

Messrs. Jones, Mallory, Moore, Patton of Lawrence, White and Wyman being excused.

So the bill passed, and

Its title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 253,

A bill for an act to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees,

Which the Council has amended by striking of section 1 all after the word "animal" where it occurs at the end of line 8 and by inserting in lieu thereof the words "shall be deemed guilty of a misdemeanor,"

And passed with such amendment.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 300,

A bill for an act to provide for the construction and management of artesian wells in the Territory, and provide a mode of paying for the same,

Which has been passed with the following amendments:

Chapter 1, printed bill, section 2, line 2, after the word "ditch" insert the words, "connected therewith."

Chapter 2, section 1, line 2, strike out the words "the county treasurer" and insert in lieu thereof the words "the judge of probate."

Section 2, add the following proviso (see exhibit "A").

EXHIBIT "A."

(Proviso to section 2, chapter 2.)

Provided that in case the resident owners or freeholders of a majority of the property assessed, as benefitted, shall appeal to the county commissioners and protest against the laying out and constructing of any such well then such well shall not be constructed.

Chapter 3, section 3, line 5, strike out the word "probate" and insert in lieu thereof the word "district;" also wherever the word "probate" occurs in the bill strike it out and insert in lieu thereof the word "district," also same chapter,

Section 6, line 14, strike out the word "drain" and insert in lieu thereof the words "artesian well."

Section 9, line 13, strike out the word "township" and insert in lieu thereof the word "county;" also, same line, after the word "situated" insert the words "or in case the land is not in any organized township then in the county."

Section 12, line 8, strike out the word "county" and insert after the word "clerk" the words "district court;" also, line 14, same section, strike out the first word "or" in the line.

Section 16, line 3, after the word "highways" insert the words "or road supervisor."

Chapter 4, section 1, line 13, after the word "township" insert the words "and the road supervisor for any road district."

Section 2, line 5, after the word "two" insert the words "three, four or five;" also, line 6, strike out the word "next"—add the letter "s" to the word "year" and insert the word "next" after the word "year," as amended by the addition of the letter "s."

Section 3, lines 10, 11 and 12, strike out the words: "The parties who are assessed a tax for benefits in the construction of such well and who may be bidders for contract thereon shall, if equal bidders with other parties, be preferred in awarding such contract."

Chapter 5, section 1, line 3, after the word "welfare" insert the words "or in case that part of the county is not organized into civil townships, then to the county at large," also line 13, after the word "township" insert the words "or partly in a township and partly in a county not organized into townships;" also line 14, after the word "township" insert the words "and the county at large;" also in line 15, after the word "township" insert the words "and the county at large;" also in the same line, strike out the word "is" and insert in lieu thereof the word "are."

Section 2, line 5, after the word "clerk" insert the words "or where said lands are not in an organized township, to the board of county commissioners by filing with the county clerk or auditor;" also line 6, after the word "board" insert "or board of commissioners."

Section 3, line 1 after the word "township" insert the words "or county," and after the word "clerk" the words "or auditor," also in line 2, after the word "board" insert the words "or board of county commissioners," also line 5, after the word "township" insert the words "or county," also line 6, before the word "board" insert the words "or county," also in line 12, after the word "township" insert the words "or county," and after the word "clerk" insert the words or "auditor."

Section 4, line 1, after the word "township" insert the words "or county."

Section 5, line 1, after the word "township" insert the words "or county."

Section 6, line 2, after the word "township" insert the words "or county," also in line 4, after the word "township" insert the words "or county," and after the word "clerk" the words "or auditor."

Chapter 6, section 1, line 13, before the word "upon" insert the words "and upon the county when effected."

Section 2, line 2, after the word "thereby" insert the words "and for any land not included in any organized township;" also at the end of said section 2 add the words "he shall also certify at the same time to the county clerk or auditor the amount of assessments to be paid by the county, if any, and the clerk or auditor shall spread the amount on the tax list under the proper heading as herein provided, and to be collected in like manner."

Your concurrence in the amendments is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Sullivan moved

That the House do concur in the Council amendments to House Bill No. 300,

Which motion prevailed, and

The Council amendments to said bill were concurred in.

Mr. Burnham moved

That the House do concur in the Council amendments to House Bill No. 137.

Which motion prevailed, and

The Council amendments were concurred in.

Mr. Sullivan moved

That the House do concur in the Council amendments to House Bills Nos. 300, 253 and 272,

Which motion prevailed, and

The Council amendments to said bill were concurred in.

The following reports were submitted:

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 332,

By order of the House.

W. N. BERRY,
Chairman.

THIRD READING OF HOUSE BILLS.

House Bill No. 296,

A bill for an act to amend section 73 of chapter 28 of the Political Code,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 25; nays, 0; not voting, 23.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Dodds, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hawk, McDonell, Miltimore, Morris, Patten of Miner, Royer, Ruggles, Sprague, Sullivan, Terrill, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Cooper, Dutch, Elliott, Ely, Greene, Hobart, Hubbard, Jones, Mentzer, Pruitt, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Ward, Wolzmuth.

Messrs. Mallory, Moore, Patton of Lawrence, White, Wyman being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 343,

A bill for an act to amend section 1 of chapter 106 of the General Laws of 1881,

Was read the third time and placed upon its final passage,

The roll being called there were ayes, 30; nays, none; not voting, 18.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Dodds, Dutch, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Miltimore, Morris, Patten of Miner, Royer, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bidlake, Cook, Cooper, Elliott, Ely, Jones, Mentzer, Pruitt, Ruggles, Shook, Stewart of Walsh, Ward.

Messrs. Mallory, Moore, Patton of Lawrence, White, Wyman, being excused.

So the bill passed and

Its title was agreed to.

House Bill No. 312,

A bill for an act to amend section 1 of chapter 41 of the General Laws of 1883.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, none; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Dutch, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, McDonell, Mentzer, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Cook, Cooper, Elliott, Hobart, Miltimore, Stewart of Walsh, Sullivan, Ward.

Messrs. Jones, Mallory, Moore, Patton of Lawrence, White and Wyman being excused,

So the bill passed and

Its title was agreed to.

Mr. Aikens moved

That House Bill No. 334 be referred to Mr. Morris for correction,

Which motion prevailed.

Substitute for House Bills Nos. 83, 99, 45 and 12,

A bill for an act fixing the time and manner in which taxes on real and personal property shall be paid and amending sections 6, 7 and 8 of chapter 49 of the General Laws of 1879 and section 54 of chapter 28 of the Political Code,

Was read the third time and placed on its final passage.

The roll being called there were ayes, 28; nays, 5; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Ely, Ensign, Fellows, Glendenning, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Elliott, Gilbert, Hawk, Morris, Schnaidt.

Absent and not voting:

Messrs. Berry, Dutch, Fletcher, Greene, Jones, McDonell, Patten of Miner, Shook, Stewart of Walsh, Wolzmuth.

Messrs. Mallory, Moore, Patton of Lawrence, White and Wyman being excused.

So the bill passed and

Its title was agreed to.

Mr. Aikens moved

That the amended

Council Bill No. 7,

Be referred to the Judiciary Committee,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 327,

A bill for an act to amend section 1 of an act entitled "an act to create the office of public examiner, defining the duties and dividing the Territory into two examiners' districts," of the Session Laws of 1887, approved March 9th, 1887,

Council Bill No. 328,

A bill for an act providing for compensation for C. D. Mead and A. J. Pruitt for labor as Committee of Engrossment and Enrollment. in the Council and House respectively,

Council Bill No. 318,

A bill for an act providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

And to ask your favorable consideralion thereof.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 10, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 329,

A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,

And ask your favorable consideration thereof.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 254,

A bill for an act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota,

Which has been amended as follows:

Amend section 5 by inserting after the word "conditioned," in line 4 of printed bill, the following: "on the proper performance of the duties herein prescribed."

Amend section 5 by striking out the word "his" and insert the word "their," after the word "prescribed" strike out the words "he shall" and insert "they shall each."

Strike out "$250" and and insert "$200."

Add to section 2 the following: "Provided that no amount to exceed $4,000 shall be paid out of the territorial treasury for the compilation herein authorized including salaries and expenses of compilers."

Amend section 4, line 2, by inserting after the word "distribution" the words "which shall be within eight months from the passage and approval of this act."

Strike out all after the word "laws," in line 26 of printed bill, up to and including the word "duties" in line 27 in section 1.

And as so amended has passed.

Your concurrence in the amendments is requested.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Williams, of Burleigh, moved

That the House do concur in the Council amendments to House Bill No. 254,

Which motion prevailed, and

The Council amendments to the bill were concurred in.

Mr. Williams, of Burleigh, moved

That the Committee on Appropriations be requested to report back Council Bill No. 268 immediately,

Which motion prevailed.

Mr. Fellows moved

That House Bill No. 14 be recalled from general orders and placed on its final passage,

Which motion prevailed.

House Bill No. 111,

A bill for an act relating to the assessment of taxes on railroads.

Was taken up at this time, read the third time and placed upon its final passage.

The roll being called there were ayes, 16; nays, 20; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dutch, Gilbert, Glendenning, Harkins, Patten of Miner, Schnaidt, Stewart of Walsh, Ward, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Cook, Dodds, Elliott, Fellows, Greene, Hawk, Hobart, McDonell, Mentzer, Miltimore, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Williams of Burleigh, Wolzmuth.

Absent and not voting:

Messrs. Ely, Ensign, Fletcher, Shook.

Messrs. Jones, Mallory, Moore, Patton of Lawrence, White, Wyman being excused.

Messrs. Hubbard, Morris, paired.

So the bill was lost.

Mr. Mentzer moved

That the vote by which House Bill No. 111 was lost be reconsidered, and that the motion to reconsider be laid on the table,

Which motion prevailed.

House Bill No. 19,

A bill for an act to establish an agricultural experimental station in North Dakota,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 15; nays, 12; not voting, 21.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Fellows, Greene, Hawk, McDonell, Miltimore, Patten of Miner, Ruggles, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Gilbert, Harkins, Hubbard, Morris, Schnaidt, Ward, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Dodds, Elliott, Ely, Ensign, Fletcher, Glendenning, Hobart, Jones, Mallory, Mentzer, Moore, Patton of Lawrence, Pruitt, Royer, Shook, Stewart of Walsh, Terrill, White, Williams of Grant, Wyman.

So the bill passed, and

Its title was agreed to.

Mr. Mentzer by, unanimous consent, moved

That House Bill No. 14 be amended by striking out in section 9, the words "passage and approval" and insert the words "first Monday in January, 1889,

Which motion was lost.

House Bill No. 14,

A bill for an act to fix the salary of Probate Judge,

Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 19; nays, 10; not voting, 19.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Dutch, Elliott, Fellows, Gilbert, Glendenning, Greene, Hawk, McDonell, Mentzer, Miltimore, Patten of Miner, Royer, Ruggles, Sprague, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Bidlake, Cook, Hobart, Hubbard, Schnaidt, Stewart of Fall River, Stewart of Walsh, Williams of Grant, Wolzmuth.

Absent and not voting:

Messrs. Cooper, Dodds, Ely, Ensign, Fletcher, Harkins, Jones, Mallory, Moore, Morris, Patton of Lawrence, Pruitt, Shook, Sullivan, Terrill, Ward, White, Wise, Wyman.

And so the bill passed, and

Its title was agreed to.

The Speaker announced his signature to House Bills Nos. 254, 327, 278, 35, 288, 238, 128.

The following report was submitted:

MR. SPEAKER:

The undersigned to whom was referred

House Bill No. 334, for correction,

Beg leave to report that I have corrected said bill by inserting an enacting clause therein.

Respectfully,

F. A. MORRIS.

On motion of Mr. Morris

The report of the committee was adopted.

House Bill No. 334,

A bill for an act to change the place of county seats,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 25; nays, 1; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Gilbert, Glendenning, Greene, Hobart, Hubbard, Mentzer, Miltimore, Morris, Patten of Miner, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those voting in the negative were:

Mr. Harkins.

Absent and not voting:

Messrs. Bidlake, Elliott, Ensign, Fellows, Fletcher, Hawk, Jones, Mallory, McDonell, Moore, Patton of Lawrence, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wyman.

So the bill passed and

Its title was agreed to.

Council Bill No. 268,

A bill for an act to appropriate four hundred and fifty dollars for the relief of Joanna Milton for moneys expended and services rendered at the New Orleans Exposition.

Was then taken up, read the third time and placed upon its final passage.

The roll being called, there were ayes, 27; nays none; not voting, 21.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Burnham, Cooper, Dutch, Elliott, Ely, Gilbert, Glendenning, Harkins, Hawk, Hubbard, McDonell, Mentzer, Miltimore, Morris, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Cook, Dodds, Ensign, Fellows, Fletcher, Greene, Hobart, Jones, Mallory, Moore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sullivan, Terrill, White, Wyman.

So the bill passed, and

Its title was agreed to.

REPORTS OF SPECIAL COMMITTEES.

The following report was submitted:

MR. SPEAKER:

The special committee to whom was referred Council Bill No. 2 recommend that the bill be amended as follows:

Strike out the words "two hundred" where they occur in line 6, section 6, and insert in lieu thereof the word "fifty," and add after the word "dollars," in line 7, the words "for each and every elevator operated."

Strike out all after the word "same," in line 14 of section 6.

And as so amended, your committee recommend that the bill do pass.

M. H. COOPER,
Chairman.

Mr. Cooper moved

That the amendments to Council Bill No. 2 be adopted,

Which motion prevailed, and

The bill was so amended.

Council Bill No. 2,

A bill for an act to regulate grain warehouses and the inspection, weighing and handling of grain. and defining the duties of the railroad and warehouse commission in relation thereto,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 27; nays, 7; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Morris, Patten of Miner, Royer, Shook, Sprague, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Elliott, Ensign, Hawk, McDonell, Ruggles, Stewart of Walsh.

Absent and not voting:

Messrs. Adams, Ely, Fletcher, Jones, Mallory, Moore, Patton of Lawrence, Pruitt, Schnaidt, Stewart of Fall River, Terrill, White, Wise, Wyman.

So the bill passed, and

Its title was agreed to.

Council Bill No. 195,

A joint resolution to reimburse Legislative officers for expenses incurred in the organization of the Legislative Assembly,

Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 26; nays, 0; not voting, 22.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Dodds, Dutch, Elliott, Ensign, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Miltimore, Morris, Patten of Miner, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Burnham, Cook, Cooper, Ely, Fellows, Fletcher, Gilbert, Jones, Mallory, McDonell, Mentzer, Moore, Patton of Lawrence, Pruitt, Royer, Shook, Sullivan, Terrill, White, Williams of Grant, Wolzmuth, Wyman.

So the bill passed and

Its title was agreed to.

Ceuncil Bill No. 134,

A bill for an act to provide for the printing, publishing and other current and necessary expenses of the office of the commissioner of immigration,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 25; nays, *6; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Dodds, Ely, Gilbert, Glendenning, Greene, Hubbard, McDonell, Mentzer, Miltimore, Patten of Miner, Pruitt, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Dutch, Harkins, Hobart, Morris.

Absent and not voting:

Messrs. Burnham, Cook, Cooper, Elliott, Ensign, Fellows, Fletcher, Hawk, Jones, Mallory, Moore, Patton of Lawrence, Schnaidt, Stewart of Fall River, Terrill, White, Wyman.

So the bill passed, and

Its title was agreed to.

Council Bill No. 204.

A joint resolution relative to a division of the Territory and the admission of each half into the Union,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 30; nays 7; not voting 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Miltimore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Cook, Elliott, Ely, Hawk, McDonell, Ruggles.

Absent and not voting:

Messrs. Ensign, Fletcher, Mentzer, Patton of Lawrence, Stewart of Fall River, Terrill.

Messrs. Jones, Mallory, Moore, White and Wyman being excused.

So the bill passed, and

Its title was agreed to.

Council Bill No. 15,

A bill for an act establishing the Dakota Experimental Farm and Forestry Institution and providing for the government and maintenance of the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 14; nays, 18; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Ely, Fellows, Gilbert, Greene, McDonell, Pruitt, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Burnham, Dodds, Dutch, Elliott, Ensign, Glendenning, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Morris, Patten of Miner, Schnaidt, Ward, Wise, Wolzmuth.

Absent and not voting:

Messrs. Adams, Bidlake, Cook, Cooper, Fletcher, Hawk, Royer, Shook, Terrill, Williams of Grant.

Messrs. Jones, Mallory, Moore, Patton of Lawrence, White and Wyman being excused.

And so the bill was lost.

Council Bill No. 213,

A bill for an act respecting the expenditure of road and bridge funds,

Was read the third time, and placed upon its final passage.

The roll being called, there were ayes, 23; nays, 10; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Ensign, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Cook, Elliott, Gilbert, Glendenning, Greene, Hawk, McDonell, Patten of Miner, Ward, Williams of Grant.

Absent and not voting:

Messrs. Adams, Bidlake, Ely, Fellows, Fletcher, Morris, Pruitt, Schnaidt, Terrill.

Messrs. Jones, Mallory, Moore, Patton of Lawrence, White and Wyman being excused.

So the bill passed and
Its title was agreed to.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 267, 252, 165,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 9 p. m. of this day

House Bills Nos. 267, 352, 165,

Were delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your committee to whom was referred

House Bill No. 38,

A bill for an act to provide for the publication of acts of the Legislative Assembly in county newspapers,

Respectfully report the following amendment:

Amend the title by striking out the word "acts" where it occurs in the title and insert in lieu thereof the words "the General Laws;" also, insert before the word "Legislative" the word "Seventeenth." Further amend by striking out all after the enacting clause and inserting the following:

SECTION 1. That the secretary of the Territory be and he is hereby authorized and empowered to procure the publication of the general laws of this session of the Legislative Assembly, in the newspapers of the Territory, under the following regulations: He shall give public notice in one newspaper in each judicial district, requesting all publishers of newspapers to communicate, under oath, to him the amount of their circulation each issue, which communication shall be kept in confidence by said secretary. He shall procure the printing in newspaper supplement form, in nonpareil type, of a sufficient number of copies of the laws herein referred to to supply to each publisher as aforesaid, who may communicate to him before the tenth day of April, 1887, the number of copies necessary for a single issue of the publication, and who may declare to him an intention to gratuitously issue said supplements for the benefit of their subscribers as a part of the regular edition of the paper as early as possible after receipt thereof. For the printing of such supplements he shall secure bids in such manner and under such regulations' from publishers in this Territory, as shall best subserve the interests of the Territory and give to every publisher a fair chance to bid for the performance of such work. With as great expedition as may be practicable he shall forward to such publishers as have communicated with him as herein set forth, the number of such supplements requested by them.

SECTION 2. The copy for such supplements shall be prepared by the Secretary of the Territory from the enrolled bills on file in his office, and for his compensation in preparing such copy, and in performance of all other duties placed upon him by this act, he shall be paid ten cents per folio for such copy.

SECTION 3. The Territorial Auditor is hereby authorized and empowered to hear and determine all claims and accounts arising under the execution of this act, for copying, printing, expressing and other necessary expenses, and also to draw his warrant upon the Territorial Treasurer for such amounts as he shall deem to be justly due thereon; and the Territorial Treasurer is hereby directed to pay such warcounts out of the general funds of the territory.

SEC. 4 This act shall take effect and be in force from and after its approval.

B. H. SULLIVAN,
D. S. DODDS,
Committee.

Mr. Williams, of Burleigh, moved

That all Council Bills be read the first and second time by their title and referred to their proper committees,

Which motion prevailed.

Council Bill No. 318,

A bill for an act providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 329,

A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 328,

A bill for rn act providing for compensation for C. D. Mead and A. J. Prewelli for labor on Committee of Engrossment and Enrollment in the Council and House respectively,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 327,

A bill for an act to amend section 1 of an act entitled "an act to create the office of public examiner, defining the duties and dividing the Territory into two examiners districts," of the Session Laws of 1887,

Was read the first and second time and

Referred to the Judiciary Committee.

Council Bill No. 321,

A bill for an act entitled an act for the refunding of the outstanding bonded indebtedness of the Territory, issued in 1881, bearing six per cent., ior the construction of the insane hospital at Yankton and the penitentiary at Sioux Falls, and the five per cent. bonds issued for the construction of the west wing of hospital at Yankton,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 283,

A bill for an act to amend section 407 of the Civil Code relating to corporations,

Was read the first and second time and

Referred to the Committee on Towns and Cities.

Council Bill No. 285,

A bill for an act fixing the date of annual elections in independent school districts not within the boundaries of incorporated cities, towns and villages in the Territory of Dakota,

Was read the first and second time and

Referred to the Committee on Elections and Privileges.

Council Bill No. 281,

A bill for an act to amend section 61. chapter 28, of the Political Code, entitled "Revenue."

Was read the first and second time and

Referred to the Committee on Ways and Means.

Council Bill No. 80,

A bill for an act to amend section 13, chapter 39 of the Political Code, concerning compensation of public officers,

Was read the first and second time and

Referred to the Committee on Ways and Means.

Council Bill No. 293,

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building,

Was read the first and second time and

Referred to the Committee on Appropriations.

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the Political Code relating to jurors,

Was read the first and second time, and

Referred to the Committee on Judiciary.

Council Bill No. 208,

A bill for an act to amend section 407, article 3, chapter 3 of the Civil Code, relating to corporations,

Was read the first and second time and

Referred to the Committee on Towns and Cities.

Council Bill No. 158,

A bill for an act to publish the General Laws of the Seventeenth Legislative Assembly in the newspapers of the Territory and making an appropriation to pay for the same,

Was read the first and second time and
Referred to the Committee on Elections and Privileges.

Council Bill No. 307.
A bill for an act to provide for struck juries,
Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 325.
A bill for an act to amend chapter 103 of the Session Laws of 1883, relating to the territorial treasurer entitled, "an act to amend section 3 of chapter 39 of the Political Code and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881,"
Was read the first and second time and
Referred to the Committee on Ways and Means.

Council Bill No. 298, (substitute),
A bill for an act providing for the dissolution of civil township organizations.
Was read the first and second time and
Referred to the Committee on Towns and Cities.

Council Bill No. 326.
A bill for an act to amend section 1, chapter 48, Special Laws of 1885, entitled, "an act to provide for the payment of clerical work in the executive office,"
Was read the first and second time and
Referred to the Committee on Appropriations.

Mr. Williams of Burleigh, moved
That when the House adjourn it be to meet at 10:30 o'clock to-morrow morning.
Which motion prevailed.

Mr. Williams of Burleigh, moved
That the House do now adjourn,
Which motion prevailed and the House
Adjourned.

W. G. EAKINS,
Chief Clerk.

SIXTIETH DAY.

BISMARCK, March 11, 1887.

House assembled at 10:30 o'clock a. m. pursuant to adjournment.

The speaker presiding.

Prayer by the chaplain.

Roll called.

All members present.

The Speaker announced his signature to House Bills Nos. 34, 301, 328, 253, 337, 257, 137, 142, 272, 302, 295, 238.

The reading of the Journal was dispensed with.

THIRD READING OF COUNCIL BILLS.

Council Bill No. 211,

Joint Resolution providing for the payment of expenses of the joint committee appointed to visit and inspect the Territorial Charitable and Penal Institutions,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 12; nays, 20; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Ely, Ensign, Fletcher, Hobart, McDonell, Mentzer, Pruitt, Stewart of Walsh, Ward, Wolzmuth.

Those who voted in the negative were:

Messrs. Berry, Burnham, Cook, Dodds, Dutch, Elliott, Glendenning, Harkins, Hubbard, Mallory, Miltimore, Moore, Patten of Miner, Shook, Terrill, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Cooper, Fellows, Gilbert, Greene, Hawk, Jones, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Williams of Burleigh.

So the bill was lost.

Council Bill No. 163.

A bill for an act to amend chapter 44 of the Session Laws of 1883, relating to education.

Was read the third time and placed on its final passage.

The roll being called there were ayes, 30: nays, 2; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Burnham, Cook, Dodds, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messers. Ely, Mallory.

Absent and not voting:

Messrs. Aikens, Bidlake, Cooper, Dutch, Elliott, Fellows, Greene, Hawk, Jones, Morris, Pruitt, Royer, Ruggles, Stewart of Fall River, Sullivan, Williams of Burleigh.

So the bill passed, and

Its title was agreed to.

Council Bill No. 113.

A bill for an act to submit to the legal voters of the Territory of Dakota the question of the division of the Territory.

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 33; nays, 8; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cooper, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of

Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Cook, Elliott, Ely, Fletcher, Hawk, Mallory, McDonell.

Absent and not voting:

Messrs. Jones, Morris, Pruitt, Royer, Ruggles, Shook, Stewart of Fall River.

So the bill passed and
Its title was agreed to.
Mr. Berry moved
To reconsider the vote by which Council Bill No. 211 was lost and to lay the motion to reconsider on the table,
Which motion prevailed.

Mr. Fletcher moved
To reconsider the vote by which Council Bill No. 163 was passed and to lay the motion to reconsider on the table.
Which motion prevailed.

Mr. Ensign moved
To concur in the Council amendments to House Bill No. 235,
Which motion prevailed.

Mr. Burnham moved the previous question,
Which motion prevailed.

The Speaker announced his signature to Council Bills Nos. 20, 295, 241, 219, 194, 227, 37, 91, 236 and 58.
The following report was submitted:
MR. SPEAKER:
Your Committee on Counties to whom was referred
Council Bill No. 59,
A bill for an act relating to the boundaries of the Fifth judicial district,
Have had the same under consideration and respectfully beg leave to recommend that it do pass.
Also,
Council Bill No. 191,
A bill for an act relating to the boundaries of the Fourth judicial district,
And recommend that the bill do pass.

JAMES M. MOORE.
Chairman.

Council Bill No. 191.

A bill for an act amending chapter 78 of the General Laws of the Sixteenth Legislative Assembly, relating to the boundaries of the Fourth Judicial district and the times of holding court therein.

Was read the third time.

Mr. Aikens moved

That the further consideration of the bill be indefinitely postponed.

Yeas and nays demanded.

The roll being called, there were ayes, 24; nays 17; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Dutch, Gilbert, Greene, Harkins, Hobart, Jones, McDonell, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Terrill, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Bidlake, Cook, Cooper, Elliott, Fletcher, Glendenning, Hawk, Hubbard, Mallory, Mentzer, Moore, Ruggles, Stewart of Walsh, Sullivan, Williams of Grant.

Absent and not voting:

Messrs. Dodds, Ely, Ensign, Fellows, Stewart of Fall River, Ward, Williams of Burleigh.

So the motion to indefinitely postpone prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 180.

A bill for an act to encourage the organization and maintenance of county and district agricultural societies in the Territory of Dakota.

House Bill No. 95.

A bill for an act establishing a Territorial Horticultural society and making an appropriation for the encouragement of horticulture and forestry.

House Bill No. 235,

A bill for an act authorizing and empowering organized counties of Dakota to erect county buildings for court house and jail purposes, and to issue and dispose of bonds to provide funds to pay therefor, and to provide for the payment of principal and interest of such bonds.

Which have been passed unchanged. and

House Bill No. 235,

Which has been amended by striking out the word "order" and inserting "bearer" in line 7 of section 7.

In line 4 of section 7, change the word "order" to "bearer."

In line 1, section 1, change the word "six" to "three."

In line 2, section 1, change the word "four" to three."

And as thus amended has been passed.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith the following Council Bills, and your concurrence in the same is requested:

Council Bill No. 300.

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conneyances and other instruments of records on file in his office affecting real estate,

Council Bill No. 324,

A bill for an act creating and defining a new subdivision of the Sixth Judicial District.

Council Bill No. 330.

A bill for an act to amend chapter 31 of the Code of Civil Procedure,

Council Bill No. 245.

A bill for an act to amend section 2,042. title 3, part 2 of the Civil Code,

Council Bill No. 269,

A bill for an act amending section 104. Code of Civil Procedure, relative to orders of foreclosure,

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Pruitt moved

To reconsider the vote by which Council Bill No. 191 was lost.

Mr. Aikens moved

To lay the motion on the table.

Which motion was lost.

Ayes and nays demanded.

The roll being called there were ayes, 22; nays, 18; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Bidlake, Cook, Cooper, Dutch, Elliott, Fletcher, Glendenning, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Moore, Pruitt, Ruggles, Stewart of Walsh, Sullivan, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Burnham, Ensign, Gilbert, Hobart, Jones, Miltimore, Morris, Patten of Miner, Royer, Schnaidt, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Dodds, Ely, Fellows, Greene, Patton of Lawrence, Shook, Sprague, Stewart of Fall River.

So the motion to reconsider prevailed.

Mr. Harkins moved

That the further consideration from Council Bill No. 59 be indefinitely postponed.

Mr. Pruitt moved

That Council Bills Nos. 59 and 191 be made a special order for to-day at 3 o'clock p. m.,

Which motion prevailed.

Council Bill No. 183,

A bill for an act providing for appeals of county boards of equalization,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 10; nays, 18; not voting, 20.

Those who voted in the affirmative were:

Messrs. Cooper, Glendenning, Harkins, Hawk, Mallory, Mentzer, Miltimore, Moore, Sprague, Sullivan.

Those who voted in the negative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Dutch, Fletcher, Hobart, Hubbard, Jones, Patton of Lawrence, Patten of Miner, Shook, Stewart of Walsh, Terrill, Ward, White, Wolzmuth. Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Gilbert, Greene McDonell, Morris, Pruitt, Royer, Ruggles Schnaidt, Stewart of Fall River, Williams of Grant, Williams of Burleigh, Wise, Wyman.

So the bill passed and
Its title was agreed to.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 170,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 295, 328, 302. 272, 142, 137, 257, 337, 253, 34. 301, 254, 238, 128, 35, 278, 327 and 288,

And find the same correctly engrossed and enrolled.

A. J. PRUITT.
Chairman

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 11. 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

House Bill No. 108,

An act entitled "an act relating to the office of notaries public."

House Bill No. 226,

An act to amend section 2, of chapter 26 of the Political Code, entitled "town and city plats,"

House Bill No. 201,

An act for the establishment of free libraries and reading rooms in cities, villages or townships in the Territory of Dakota.

House Bill No. 227,

An act to amend section 70, of chapter 28 of the Political Code, entitled "Revenue."

Substitute, House Bill No 48,

An act to prohibit the sale of intoxicating liquors by local option.

House Bill No. 172,

An act to define the boundaries of Ward and Renville counties.

Joint Resolution No. 72,

Being an act to prohibit the sale or licensing of the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory of Dakota.

House Bill No. 241,

An act to provide funds to pay for the construction, heating and furnishing of the Normal School building at Madison, Dakota, and for other purposes,

House Bill No. 186.

An act in relation to the vacation of town plats.

House Bill No. 299,

An act authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes.

House Bill No. 211,

An act legalizing a certain election held in the city of Spearfish, in the Territory of Dakota.

Respectfully,
LOUIS K. CHURCH,
Governor.

Council Bill No. 207,

A bill for an act to amend section 378 of chapter 15 of the Code of Civil Procedure entitled "of the costs and disbursements in civil actions,"

Was read the third time.

Mr. Burnham moved to indefinitely postpone further consideration of the bill,

Which motion prevailed.

Council Bill No. 124,

A bill for an act to lessen the danger from stampedes in case of fires in buildings use for public assemblages,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 0; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Gilbert, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Cooper, Elliott, Ely, Ensign, Fellows, Fletcher, Glendenning, Pruitt, Ruggles, Stewart of Fall River, Sullivan, Williams of Burleigh, Wolzmuth.

So the bill passed and

Its title was agreed to.

Council Bill No. 75,

A bill for an act to amend chapter 23 of the Session Laws of 1881,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 34; nays, 0; not voting, 14.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Cooper, Ely, Fellows, Hawk, Jones, Morris, Patten of Miner, Pruitt, Shook, Terrill, White, Wolzmuth.

So the bill passed, and

Its title was agreed to,

Council Bill No. 226,

A bill for an act to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 27; nays, 14; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ensign, Fellows, Fletcher, Glendenning, Greene, Harkins, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Ruggles, Sprague, Stewart of Walsh, Terrill, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Dutch, Gilbert, Hubbard, Jones, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Shook, Ward, White, Wise, Wolzmuth.

Absent and not voting:

Messrs. Berry, Ely, Hobart, Pruitt, Royer, Stewart of Fall River, Sullivan.

So the bill passed, and

Its title was agreed to.

Council Bill No. 262,

A joint resolution and memorial to Congress for the division of the Bismarck land district.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 34; nays, 1; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Ruggles, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Ensign.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Ely, Fellows, Fletcher, Jones, Patton of Lawrence, Pruitt, Royer, Shook, Stewart of Fall River, Williams of Burleigh.

So the bill passed, and

Its title was agreed to.

Council Bill No. 78,

A bill for an act to provide for the inspection of illuminating oils and gasolene manufactured from petroleum coal oils,

Was read the third time.

Mr. Harkins moved

That the further consideration of the bill be indefinitely postponed, and moved the previous question.

Yeas and nays demanded.

The roll being called, there were ayes, 28; nays, 14; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Cook, Cooper, Dutch, Fellows, Fletcher, Glendenning, Harkins, Hobart, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Shook, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Burnham, Elliott, Ely, Ensign, Gilbert, Greene, Hawk, Hubbard, Ruggles, Sprague, Stewart of Walsh, Williams of Burleigh, Wolzmuth.

Absent and not voting:

Messrs. Dodds, McDonell, Mentzer, Pruitt, Royer, Stewart of Fall River.

So the motion to indefinitely postpone prevailed.

Mr. Adams moved

To reconsider the vote and lay the motion on the table,

Which motion prevailed.

Council Bill No. 330,

A bill for an act to provide when courts are opened for all purposes,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 33; nays, none; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Cooper, Dodds, Elliott, Ely, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Burnham, Cook, Dutch, Ensign, Fletcher, Greene, Hobart, Mallory, Pruitt, Ruggles, Schnaidt, Stewart of Fall River, Williams of Burleigh, Wise.

So the bill passed and
Its title was agreed to.

The following reports were submitted:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 11:45 a. m., of this day,

House Bills Nos. 295, 328, 302, 272, 142, 137, 257, 337, 253, 34, 301, 254, 238, 128, 35, 278, 327 and 288,

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Public Health have the honor te report that they have carefully examined

House Bill No. 349,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of health of persons and animals, and for other purposes,"

And recommend that the same do pass.

D. W. ENSIGN,
Chairman.

House Bill No. 349,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals and for other purposes,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 29; nays, 10; not voting, 9.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dutch, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Berry, Dodds, Fletcher, Jones, Patten of Miner, Pruitt, White, Williams of Grant, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Ely, Fellows, Hawk, Hubbard, Morris, Ruggles, Schnaidt, Stewart of Fall River.

So the bill passed and

Its title was agreed to.

Council Bill No. 152,

A bill for an act to amend chapter 34 of the General Laws of the Sixteenth Legislative Assembly, relating to building and loan associations,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 2; nays, 33; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Ruggles.

Those who voted in the negative were:

Messrs. Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Shook, Stewart of Walsh, Terrill, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Ely, Ensign, Fellows, Greene, Hobart, Jones, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Ward, Wyman.

So the bill was lost.

Mr. Pruitt moved

That Council Bill No. 281 be recalled from the Committee on Ways and Means,

Which motion prevailed.

Mr. Miltimore moved

To reconsider the vote by which House Bill No. 349 was passed and to lay the motion to reconsider on the table,

Which motion prevailed.

Mr. Pruitt moved

That the rules be suspended, and that

Council Bill No. 281

Be read the third time and placed upon its final passage, and by unanimous consent the enacting clause be amended by adding "Legislative Assembly of the Territory of Dakota,"

Which motion prevailed.

Council Bill No. 281,

A bill for an act to amend section 61, chapter 28, of the Political Code entitled "Revenue,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, 0; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, McDonell, Miltimore, Moore, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Sprague, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Cooper, Ely, Fletcher, Greene, Hubbard, Mentzer, Patton of Lawrence, Ruggles, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh.

So the bill passed and

Its title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11th, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 335,

A bill for an act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps.

Which the Council has passed without amendments.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following report was submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

Substitute for House Bills Nos. 83, 99, 45 and 12,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 254,

An act to provide for the compilation, publication and distribution of the laws of the Territory of Dakota.

Respectfully,

LOUIS K. CHURCH,
Governor.

Mr. Burnham moved

To consider no more bills in committee of the whole, but all bills shall be considered before the house,

Which motion prevailed.

Mr. Williams, of Burleigh, moved

To suspend the rules. and that Mr. Elliot be allowed to introduce Joint Resolution No. 357,

Which motion prevailed.

Mr. Elliott introduced the following:

Be it Resolved by the House of Representatives, the Legislative Council concurring:

That the committees apppinted under resolutions to visit the Charitable and Penal Institutions of this Territory and the committee and clerk appointed to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock shall be allowed four cents per mile for each mile actually and necessarily traveled by the nearest and most practicable route in lieu of other expenses, and a sum sufficient to pay the same is hereby appropriated out of any monies in the Territorial Treasury not otherwise appropriated.

House Bill No. 351,

Joint resolution to provide for the payment of mileage for joint committees,

Was read the first, second and third time and placed on its final passage.

The roll being called there were ayes, 19; nays, 7; not voting, 22.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Elliott, Ensign, Gilbert, Glendenning, Harkins, McDonell, Mentzer, Miltimore, Moore, Shook, Sullivan, Ward, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those voting in the negative were:

Messrs. Berry, Cooper, Dutch, Hawk, Jones, Mallory, Sprague.

Absent and not voting:

Messrs. Aikens, Burnham, Cook, Dodds, Ely, Fellows, Fletcher, Greene, Hobart, Hubbard, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Stewart of Fall River, Stewart of Walsh, Terrill, White, Williams of Grant.

So the bill passed and

Its title was agreed to.

Mr. Elliott moved

To reconsider the vote by which House Bill No. 351 was passed and to lay the motion to reconsider on the table,

Which motion prevailed.

FIRST AND SECOND READING OF COUNCIL BILLS.

Mr. Williams of Burleigh, moved

That all Council Bills be read the first and second time by their title only and referred to their proper committees,

Which motion prevailed.

Council Bill No. 269,

A bill for an act to amend section 104 of the Code of Civil Procedure.

Was read the first and second time and
Referred to the Committee on Judiciary.

Council Bill No. 300,

A bill for an act compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.

Was read the first and second time and
Referred to the Committee on Judiciary.

Counci Bill No. 324,

A bill for an act creating and defining a subdivision of the Sixth Judicial District,

Was read the first and second time and
Referred to the Judiciary Committee.

Council Bill No. 330,

A bill for an act to provide when courts are opened for all purposes,

Was read the first and second time, and
Referred to the Judiciary Committee.

Council Bill No. 245,

A bill for an act relating to assignees, to amend section 2042 of title 3 of part second of the Civil Code.

Was read the first and second time, and
Referred to the Judiciary Committee.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bill No. 150,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 334 and 211,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Towns and Cities to whom was referred

Council Bill No. 103,

A bill for an act entitled "an act to repeal an act to amend the charter of the city of Elk Point, Union county," approved March 12, 1885,

Report that they have had the same under consideration and recommend that the same do pass.

E. W. TERRILL,
Chairman.

MR. SPEAKER:

The Committee on Temperance to whom was referred

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Report that they have examined said bill and would recommend that the same do pass and that it be put upon its final passage.

J. H. FLETCHER,
Chairman.

Council Bill No. 103,

A bill for an act entitled "An act to repeal an act to amend the charter of the city of Elk Point, Union county, approved March 12, 1885,

Was then taken up at this time, read the third time and placed upon its final passage.

The roll being called there were ayes 31; nays 0; not voting 17.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cooper, Dodds, Ely, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Mallory, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Cook, Dutch, Elliott, Ensign, Fellows, Fletcher, Hubbard, Jones, Moore, Pruitt, Royer, Terrill, Williams of Burleigh, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

Council Bill No. 176,

A bill for an act to reimburse and pay George W. Hopp, for moneys advanced by him to pay for the plans and specifications for public buildings,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 25; nays, 15; not voting, 8.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, McDonell, Mentzer, Patton of Lawrence, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, White, Williams of Burleigh, Wolzmuth, Wyman.

Those voting in the negative were:

Messrs. Berry, Cook, Dutch, Jones, Mallory, Moore, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cooper, Dodds, Fellows, Hobart, Hubbard, Miltimore, Morris, Patten of Miner, Royer, Schnaidt, Stewart of Walsh, Terrill, Ward, Williams of Grant.

So the bill passed and

Its title was agreed to.

The Speaker announced his signature to House Bills Nos. 150 and 335.

The following report was submitted:

MR. SPEAKER:

Your Committee on Appropriations has had under consideration,

Council Bill No. 293,

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building,

And recommend the same do pass.

Also,

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation for the chief clerk of the 10th and 11th sessions of the Legislative Assembly of Dakota,

Also,

Council Bill No. 318,

A bill for an act providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Also,

Council Bill No. 321,

A bill for an act for refunding outstanding indebtedness of the Territory, issued in 1881, bearing 6 per cent., for the construction of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls, and the 5 per cent. bonds issued for the construction of the west wing of the hospital at Yankton.

And recommend these bill do pass

Also,

Council Bill No. 329,

A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,

And recommend the same do pass.

W. N. BERRY,
Chairman.

House Bill No. 352,

A Concurrent Resolution recalling House Bill No. 284 from the Governor for correction,

Was then read the first, second and third time and placed upon its final passage.

The roll being called there were ayes, 36; nays, none; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, McDonell, Miltimore, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Elliott, Ely, Fletcher, Hawk, Jones, Mallory, Mentzer, Moore, Morris, Pruitt, Schnaidt, Stewart of Walsh, Wyman.

So the bill passed, and

Its title was agreed to.

House Bill No. 177,

A bill for an act for creating a board of railroad and warehouse commissioners, and for the regulation of common carriers,

Was read the third time, and placed upon its final passage.

The roll being called, there were ayes, 23; nays, 10; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cook, Cooper, Dodds, Dutch, Ensign, Gilbert, Glendenning, Greene, Harkins, Hubbard, Patton of Lawrence, Patten of Miner, Royer, Sprague, Sullivan, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Elliott, Hawk, Jones, McDonell, Miltimore, Moore, Ruggles, Shook, Stewart of Walsh.

Absent and not voting:

Messrs. Burnham, Ely, Fellows, Fletcher, Hobart, Mallory, Mentzer, Morris, Pruitt, Schnaidt, Stewart of Fall River, Terrill, White, Williams of Burleigh, Wyman.

So the bill passed and

Its title was agreed to.

Council Bill No. 170,

A bill for an act to amend an act entitled "an act to create certain territory now within the school township of Brightwood, Richland county, Dakota, as an independent school district No. 1, Richland county, Dakota Territory," approved March 13, 1885,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes 14; nays, 13; not voting, 21.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Elliott, Ensign, Gilbert, Hobart, Mallory, Moore, Patton of Lawrence, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Williams of Burleigh.

Those who voted in the negative were:

Messrs. Burnham, Cooper, Fletcher, Glendenning, Harkins, Hawk, Miltimore, Royer, Schnaidt, Ward, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Aikens, Berry, Cook, Dodds, Dutch, Ely, Fellows, Greene, Hubbard, Jones, McDonell, Mentzer, Morris, Patten of Miner, Pruitt. Shook, Sullivan, Terrill, White, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

Mr. Elliott moved

That the further consideration of House Bill No. 79 be indefinitely postponed,

Which motion prevailed.

Yeas and nays demanded.

The roll being called there were ayes, 24; nays, 21; not voting, 3.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Hobart, Mallory, Mentzer, Miltimore, Moore, Pruitt, Royer, Ruggles, Shook, Sullivan, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hubbard, Jones, McDonell, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Stewart of Fall River, Stewart of Walsh, Ward. Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Mr. Sprague.

Messrs. Terrill, White, being excused.

So the bill was indefinitely postponed.

House Bill No. 346,

A bill for an act to amend section 1 of chapter 99 of the Session Laws of 1883,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 39; nays, 4; not voting, 5.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wyman.

Those who voted in the negative were:

Messrs. McDonell, Ruggles, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Fellows, Mentzer, Schnaidt, Terrill.

So the bill passed and

Its title was agreed to.

Mr. Sprague moved

That the amendments to Council Bill No. 198 proposed by the Committee on Banks and Banking be adopted,

Which motion prevailed.

Council Bill No. 198,

A bill for an act authorizing the incorporation of banking associations and for regulating the same,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 29; nays, 0; not voting, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Ward, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Cook, Cooper, Dutch, Ely, Fellows, Greene, Hawk, Hubbard, Jones, Morris, Patton of Lawrence, Pruitt, Schnaidt, Sullivan, Terrill, White, Williams of Burleigh.

So the bill passed, and

Its title was agreed to.

Mr. Williams of Burleigh, moved

That the further consideration of House Bills Nos. 292 and 293 be indefinitely postponed,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 215,

A bill for an act regulating the procurement of chattel mortgages in connection with application for insurance, and providing a penalty for violation thereof,

House Bill No. 248,

A bill for an an act for the Protection of Game,

House Bill No. 169,

A bill for an act to locate and establish the North Dakota Territorial Agricultural College, and an appropriation therefor,

House Bill No. 277,

A bill for an act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards,

House Bill No. 159,

A bill for an act creating and defining the boundaries of the counties of Pierce and Church and for other purposes,

Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104, of the General Laws of 1883,

House Bill No. 222,

A bill for an act to authorize the payment of the compensation due road supervisors,

Which have been passed by the Council and

House Bill No. 21,

A bill for an act to amend section 121 of the Code of Civil Procedure,

Further consideration of which has been indefinitely postponed, and

House Bill No 315,

A bill for an act regulating abstractors or others making abstracts of the title to real estate.

Which has been amended by striking out lines 2 and 3 of section 4, printed bill, and substituting therefor after the word "title" in the first line of section 4 of the printed bill the following: "one dollar for the first entry and twenty-five cents for each additional entry" and so amended passed, and

House Bill No 276,

A bill for an act to authorize cities, towns and villages to levy and collect taxes for municipal purposes,

Which has been amended by striking out "two" in line 1 of section 2 and inserting "four" and by striking out "$1,500" in line 2, section 6, and inserting "$3,000," and in section 3, line 2, striking out "ten" and inserting "twenty," and so passed.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith the following Council Bills and to ask your concurrence in the same.

Council Bill No. 278,

A bill for an act entitled "an act relative to the compensation of physicians and surgeons giving expert testimony in any court of this Territory.

Council Bill No. 242,

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code."

Council Bill No. 286,

A bill for an act entitled "an act relating to irrigation ditches,"

Council Bill No. 223,

A bill for an act to amend section 39, of chapter 23, of an act entitled "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane and for the organization of a board of insanity in each organized county of this Territory," of the Session Laws of 1879.

And to return

House Bill No. 305,

A bill for an act regulating the salaries of registers of deeds and county treasurers, and for other purposes,

Unchanged.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Dodds moved

The adoption of the amendments to House Bill No. 177,

Which motion prevailed.

Mr. Mentzer moved

That the House do concur in the amendments to House Bills Nos. 276 and 315,

Which motion prevailed.

Mr. Stewart, of Fall River, by unanimous consent introduced the following Joint Resolution:

Resolved by the House of Representatives (the Council concurring), That House Bill No. 284, being an act to provide for the maintenance of the Normal school at Spearfish for the ensuing two years be and the same is hereby recalled from the Governor for the purpose of amendment.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 335,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 2:15 p. m. of this day

House Bills Nos. 150, 335,

Were delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

Your Committee on Elections and Privileges to whom was referred

Council Bill No. 285,

A bill for an act fixing the date of annual elections in independent school districts not within the boundaries of incorporated towns in the Territory of Dakota,

Also,

Council Bill No. 169,

A bill for an act to provide for the registration of voters,

Have had the same under consideration and recommend that they do not pass.

House Bill No. 58,

A bill for an act to provide for the holding and conduct of elections,

Also,

House Bill No. 246,

A bill for an act prescribing the manner of giving notice of general, special and annual elections,

Report the same without recommendation.

FRANK A. MORRIS,
Chairman.

MR. SPEAKER:

Your Committee on Ways and Means, to whom was referred

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same,

Report that they recommend its passage.

Also,

Council Bill No. 325,

A bill for an act to amend chapter 103 of the Session Laws of 1883, relating to the territorial treasurer entitled, "an act to amend section 3 of chapter 39 of the Political Code and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881,"

Report that they recommend its passage.

Also,

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Report that they recommend its passage.

Also,

Council Bill No. 304,

A bill for an act to authorize the issuance of licenses for carrying on the business of public laundries,

Report that they recommend its passage.

Also,

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code entitled "Revenue,"

Report that they recommend the following amendment:

Amend the title by adding the following, "and section 9 of chapter 118 of the General Laws of 1881."

Add after the word "code," in the second line of section 1, the following, "and section 9 of chapter 118 of the General Laws of 1881."

Amend the fifth line of section 1 by striking out the word "section" and inserting the word "sections," in lieu thereof.

And as thus amended they recommend its passage.

A. S. STEWART,
Chairman

Mr. Sullivan moved

That the further consideration of House Bill No. 319 be indefinitely postponed,

Which motion prevailed.

House Bill No. 33,

A bill for an act for a lien for labor on grain and other crops,

Was read the third time.

Mr. Dodds moved

To amend section 3, in line 8, by striking out the words "or land" where they appear in said line 8. Strike out in lines 12 and 13 the following words: "or interest in the land upon which said grain or crops have been grown,"

Which amendment was adopted.

Amend section 5, line 4, by inserting after the word "labor," the words "or seed grain."

Which amendment was adopted.

The roll then being called on the final passage of the bill as amended there were ayes, 13; nays, 17; not voting 18.

Those who voted in the affirmative were:

Messrs. Adams, Cook, Dodds, Glendenning, Hubbard, Mallory, Miltimore, Shook, Sprague, Stewart of Walsh, Sullivan, Williams of Grant, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Burnham, Ely, Greene, Harkins, Hawk, Hobart, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Ruggles, Ward, Wolzmuth, Wyman.

Absent and not voting:

Messrs. Berry, Cooper, Dutch, Elliott, Ensign, Fellows, Fletcher, Gilbert, Jones, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Fall River, Terrill, White, Williams of Burleigh, Wise.

So the bill was lost.

The Speaker announced his signature to Council Bills Nos. 163, 268, 134, 281, 213, 204 and 195.

House Bill No. 342,

A bill for an act to establish a public school law of Dakota Territory,

Was read the second and third time and placed upon its final passage.

The roll being called, there were ayes, 33; nays, 1; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Elliott, Ely, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:
Mr. Ensign.

Absent and not voting:
Messrs. Adams, Berry,Cook, Cooper, Dutch, Jones, Mallory, Moore, Royer, Schnaidt, Shook, Williams of Burleigh, Wolzmuth, Wyman.

So the bill passed, and
Its title was agreed to.

Council Bill No. 329,
A bill for an act appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dakota,
Was read the third time and placed on its final passage.

The roll being called there were ayes, 33; nays, 4; not voting, 11.

Those who voted in the affirmative were:
Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, McDonell, Mentzer, Miltimore, Moore. Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:
Messrs. Elliott, Jones, Morris, Stewart of Walsh.

Absent and not voting:
Messers. Adams, Berry, Cooper, Fletcher, Hubbard, Mallory, Schnaidt, Shook, White, Wolzmuth, Wyman.

So the bill passed, and
Its title was agreed to.

Mr. Sullivan moved
To reconsider the vote by which Council Bill No. 329, was passed and to lay the motion to reconsider on the table,
Which motion prevailed.

The following report was submitted:

Mr. Speaker:

Your sub-committee to whom was referred

Council Bill No. 326,

A bill for an act to amend section 1 of chapter 48 of the Special Laws of 1885, entitled "an act to provide for payment of clerical work in the executive office."

Report the same back with the recommendation that it do pass.

John Wolzmuth,
Chairman.

Mr. Mentzer moved

That the House concur in Council amendments to House Bill No. 248,

Which motion prevailed.

House Bill No. 332,

A bill for an act to appropriate funds to pay Charles W. Thompson for rebate of freights on material furnished for ing the Capitol Commission to report and turn over property and papers and disbanding the same.
construction of the Capitol Building at Bismarck, D. T.,

Was taken up for consideration at this time.

Mr. Williams, of Burleigh, moved

To amend House Bill No. 332, by striking out all after the enacting clause and inserting as sections Nos. 1 and 2 of said bill the following:

Section 1. The Auditor of the Territory of Dakota is hereby authorized and empowered to hear, determine and to audit a certain claim against the Territory of Dakota. and in favor of Charles W. Thompson, for rebate on freights on material furnished by said Thompson for the construction of the Capitol Building at Bismarck, D. T., not exceeding the sum of $6,032.25, and interest from date of payment to railroad company, as per finding of board of arbitration in the matter of Charles W. Thompson vs. Territory of Dakota, and the said Auditor is empowered to issue his warrant upon the Territorial Treasurer for such sum as he may allow said Charles W. Thompson, and the Territorial Treasurer is hereby directed to pay the amount mentioned in such warrant, by exchanging therefor refunding warrants for the amount of the principal and interest lawfully accrued thereon at the date of such exchange. The principal of said refunding warrants shall be payable in five years after the date of the issuance thereof, and the same shall bear interest at the rate of five per centum per annum, payable semi-annually at the office of the Territorial Treasurer; but any of said refunding warrants may be redeemed if the Governor, at the time of the maturity of any installment of interest falling due, after the period of two years subsequently to the date of the issuance thereof by the payment to the lawful owner and holder of such refunding warrants, of the principal thereof, and of the interest which shall have accrued thereon prior to the date of making such redemption. After the tender by the Treasurer to the holder of such refunding warrant of the amount required as aforesaid for the redemption thereof, interest upon the principal of such refunding warrants shall cease. The principal and interest of the said refunding warrants shall be paid out of any money in the treasury not otherwise appropriated at the respective dates of the maturity of the said principal and interest; provided, that in case the Territory shall hereafter be divided into two territories or states, that territory or state in which the city of Bismarck shall be situated shall be exclusively liable for the payment of the interest and principal of the said refunding warrants.

SEC. 2. That this act shall take effect and be in force from and after its passage and approval.

Mr. Gilbert moved

That the further consideration of the amendments and the bill be indefinitely postponed.

Yeas and nays demanded.

The roll being called there were ayes, 25; nays, 12; not voting, 11.

Those who voted in the affirmative were:

Messrs. Berry, Cook, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Jones, Mallory, Mentzer, Miltimore, Morris, Patton of Lawrence, Royer, Schnaidt, Shook, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Dodds, Hawk, McDonell, Moore, Patten of Miner, Ruggles, Sprague, Stewart of Walsh, Sullivan, Williams of Burleigh.

Absent and not voting:

Messrs. Aikens, Bidlake, Elliott, Ely, Ensign, Fellows, Greene, Hobart, Hubbard, Pruitt, Wyman.

So the motion to indefinitely postpone House Bill No. 332 prevailed.

Mr. Berry moved

That the vote by which House Bill No. 332 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

By unanimous consent the following report of the board of arbitration in the matter of the claim of Charles W. Thompson against the capital commission was allowed to be spread upon the Journal:

In the matter of the claim of Charles W. Thompson against Milo W. Scott, Burleigh F. Spalding, Alexander McKenzie, Charles H. Myers, George A. Mathews, Alexander Hughes, Henry H. DeLong, John P. Belding and M. D. Thompson, capital commissioners, for freight paid by claimant for material transported for and used in the erection of the capitol building at Bismarck, D. T.

The above matter came before the undersigned, as a board of arbitrators, at Fargo, this 14th day of September, A. D. 1886, under and pursuant to the preamble and resolution of the capital commissioners adopted at a meeting of said commissioners held at Bismarck, D. T., on the 13th day of March, 1886, a certified copy of which is hereto attached and made a part thereof. Charles W. Thompson appeared in his own behalf, and Burleigh F. Spalding appeared on behalf of said commissioners before the undersigned as such board of arbitrators, and consented thereto, and thereupon the respective parties submitted their proofs, and having duly considered the same, we find the facts to be, that prior to the 23d day of August, 1883, said capital commissioners advertised for bids for the construction of the capitol building at Bismarck; that the claimant, Charles W. Thompson, among others, submitted a bid to said commissioners for the construction of said building, on or about the 23d day of August, 1883; that upon investigation by said commissioners of the bids submitted to them, the claimant's was found and determined by said commissioners to be the lowest and best bid, and thereupon the said commissioners awarded to claimant the contract for the construction of said building. The claimant, prior to making and submitting his said bid as aforesaid, had been informed by the then governor of the Territory, the Hon. N. G. Ordway, and by one or more of the members of the commission, that the Northern Pacific railroad would transport for the successful bidder all material entering into the construction of said building brought over its line of road, at one-half the usual freight rates, and was assured that it was so understood and agreed by the officers of the said company.

That relying upon said representations and assurances, the claimant herein made his bid to the commission under the belief that he would receive a rebate from the railroad company of one-half of all the freight charges paid by him to said company upon construction material for said building transported by said company, and made his bid accordingly.

That the commission knew that claimant's said bill was made upon the basis herein stated; that all bids received by the commission were made upon the same basis; that upon the acceptance of claimant's said bid he proceeded at once to the construction of said capitol building and constructed the same, and the same was accepted by the commission; that in course of the said construction he caused to be shipped over said railroad large quantities of construction material to be used and which was all used in and about the erection of said building. That claimant paid full tariff rates to said railroad for the transportation of said freight as the same was delivered.

That the total amount so paid by said claimant was twelve thousand, sixty-four dollars and seventy-seven cents ($12,064.77); that claimant duly presented his claim to said railroad company for a rebate or return to him of one-half of the freight charges so paid by him.

That said claim was disallowed by the company; that the commission was duly notified of such disallowance; that the claimant duly presented his claim for said one-half of said freight charges, with proof of its disallowance by the railroad company, to the commission for its allowance and payment; that the commission thereafter, to-wit: at the time hereinbefore stated, consented to arbitrate said claim before the undersigned; that the claimant duly performed his contract with the commission, and that all matters between the claimant and the commission arising out of said contract have been adjusted and settled except the claim herein referred for arbitration.

We find as our conclusion, from the foregoing facts, that the claimant herein relied upon the said representations made to him in respect to the freight charges on material transported by the Northern Pacific Railroad Company for use in the construction of the said capitol building, over said line of road. That said representations were made in good faith, that the claimant by said representations was induced to bid a less sum for the construction of said building than he otherwise would, and was thereby misled to his detriment, to-wit, in the sum of six thousand and thirty-two and twenty-five-one-hundredth ($6,032.25) dollars.

That good faith requires that said sum, with interest, should be refunded to the claimant herein, by the Territory.

We find that there is equitably due and owing to the claimant by the Territory, the sum of six thousand and thirty-two and twenty-five one-hundredth ($6,032.25) dollars with interest from the date of payment by the claimant.

Dated, this 14th day of September, 1886.

HORACE AUSTIN,
GEORGE P. WILSON,
SANFORD A. HUDSON,
Board of Arbitrators.

$30 paid by Thompson.

(Copy.)

WHEREAS, Charles W. Thomson claims that he took the contract to erect the capitol building with the understanding that he was to have half rates of freights on material used in its construction, and whereas an issue has arisen between the commissioners and said Thompson respecting said claim and whereas said Thompson demands that the question whether the Territory is liable to him for the amount of said claim, or any amount whatever, by reason thereof, be submitted to arbitrators, and whereas it is agreed between Charles W. Thompson and the commissioners that Hon. Horace Austin, Hon. Geo. P. Wilson and Hon. S. A. Hudson be the arbitrators to whom the question be submitted. Therefore,

Resolved, that Horace Austin, George P. Wilson and S. A. Hudson, be and they are hereby appointed by mutual consent, arbitrators, to hear and determine the question aforesaid.

I hereby certify that the foregoing is a true copy of a resolution passed at a meeting of the capital commission, held on the 13th day of March, 1886, at Bismarck.

B. F. SPALDING,
Secretary.

The Speaker announced his signature to House Bills Nos. 104, 298, 180, 215 and 315.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to inform you that
House Bill No. 248,
A bill for an act for the protection of game,
Which has been returned to you this day was amended by striking out the words "first day of May" in section 2 and inserting in lieu thereof the words "fifteenth day of May."
Also to return herewith
House Bill No. 352,
A Concurrent Resolution recalling House Bill No. 284 from the Governor for correction,
Which has been passed by the Council.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Hawk moved
That the further consideration of House Bill No. 307 be indefinitely postponed,
Which motion prevailed.

Mr. Stewart, of Fall River, moved
That the further consideration of Council Bill No. 326 be indefinitely postponed.

Mr. Greene moved to lay the motion on the table.

Yeas and nays demanded.

The roll being called there were ayes, 29; nays, 15; not voting, 4.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Gilbert, Glendenning, Greene, Harkins, Hobart, McDonell, Mentzer, Miltimore, Patten of

Miner, Pruitt, Sprague, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wolzmuth.

Those who voted in the negative were:

Messrs. Berry, Fellows, Hawk, Jones, Mallory, Moore, Morris, Patton of Lawrence, Ruggles, Shook, Stewart of Fall River, Terrill, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Fletcher, Hubbard, Royer, Schnaidt.

So the motion to lay on the table prevailed.

The Speaker announced his signature to House Bills Nos. 300, 352, 159 and 95.

Mr. Burnham moved

That the House do not concur in the Council amendments to House Bill No. 192 and that a Committee on Conference be appointed,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 104,

A bill for an act for the cancellation of county warrants,

Which has been passed by the Council unchanged;

House Bill No. 192,

A bill for an act to require county treasurers to deposit funds in designated depositions and providing for interest thereon,

Which was lost on passage, and

House Bill No. 289,

A bill for an act to legalize assessment rolls.

House Bill No. 49,

A bill for an act to provide for the rate of interest on money and to define usury,

And

House Bill No. 8,

A bill for an act to amend section 2 of chapter 32 of the Session Laws of 1885,

Consideration of which has been indefinitely postponed.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 298,

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

Which has been passed by the Council.

Very respectfully
T. A. KINGSBURY,
Chief Clerk.

Council Bill No. 326,

A bill for an act to amend section 1 of chapter 48 of the Special Laws of 1885, entitled "an act to provide for payment of clerical work in the executive office,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, 12; not voting, 4.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Pruitt, Schnaidt, Sprague, Stewart of Walsh, Sullivan, Ward, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those voting in the negative were:

Messrs. Berry, Hawk, Jones, Morris, Patton of Lawrence, Royer, Ruggles, Shook, Stewart of Fall River, Terrill, Wise, Wyman.

Absent and not voting:

Messrs. Bidlake, Elliott, Hubbard, Fellows, Williams of Grant.

So the bill passed and

Its title was agreed to.

Council Bill No. 325,

A bill for an act to amend chapter 103 of the Session Laws of 1883, relating to territorial treasurer, entitled "an act to amend section 3 of chapter 39 of the Political Code, and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes. 30; nays, 0; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Gilbert, Glendenning, Harkins, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Royer, Ruggles, Shook, Sullivan, Ward, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Elliott, Ely, Fellows, Fletcher, Greene, Hawk, Hobart, Patton of Lawrence, Pruitt, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, White, Williams of Grant, Wolzmuth.

So the bill passed and

Its title was agreed to.

Council Bill No. 293.

A bill for an act to pay C. H. Wagner for lamps and chandaliers placed in the capitol building,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, 0; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Cooper, Dodds, Dutch, Ely, Ensign, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Sprague, Sullivan, Terrill, Williams of Burleigh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Bidlake, Burnham, Cook, Elliott, Fellows, Fletcher, Jones, Morris, Pruitt, Ruggles, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Grant, Wolzmuth, Wyman.

So the bill passed and

Its title was agreed to.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

House Bill No. 157,

A joint resolution to pay for chairs for use of the ladies visiting the capitol,

Which has been amended by adding to the bill the words "and a further sum of $65 to pay for chairs for the use of the Council Chamber for like purposes," and the auditor of the Territory is hereby instruted to purchase such chairs for the use of the Council, in accordance with this act,

And passed with such amendments, and

House Bill No. 71,

A bill for an act to suppress and prevent the spread of contagious or infectious diseases among domestic animals,

Further consideration of which has been indefinitely postponed.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

MR. SPEAKER:

I have the honor to transmit herewith and to ask your concurrence in the passage of

Council Bill No. 284,

A bill for an act to ratify acts of loan companies and building and loan associations, and to provide for their further existence without re-incorporation,

And to return

House Bill No 345,

A joint resolution providing for the payment of Aaron Cheatam and John Ostland for hack hire during call of the House,

Also,

House Bill No. 173,

A bill for an act to prohibit the destruction of beavers in the Territory of Dakota,

Also,

House Bill No. 243,

A bill for an act to appropriate seventy-five dollars to reimburse John Nagle of the county of Burleigh, Dakota Territory, for money deducted from his salary as guard at the North Dakota Penitentiary, during the year 1886, for the expenses of retaking an escaped convict,

Also,

House Bill No. 160,

A bill for an act to amend section 3 of chapter 26 of the General Laws of 1879, increasing amount of license for sale of intoxicating liquors,

Also,

House Bill No. 281,

A bill for an act to legalize the acts of Allen M. Chancy as Notary Public of the Territory of Dakota,

Which have been passed unchanged,

And,

House Bill No. 225,

A bill for an act providing for meetings of the township boards of supervisors, and defining their duties,

Which has been amended by adding at the end of section 6 the words "on three days notice."

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following reports were submitted:

MR. SPEAKER:

The Judiciary Committee to whom was referred

House Bill No. 347,

A bill for an act relating to foreign and domestic corporations,

Have had the same under consideration and return it to the House without recommendation.

FRANK R. AIKENS,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 4 p. m. of this day

House Bills Nos. 352, 159, 300 and 95

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 352, 159, 300 and 95,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

Mr. White moved

To concur in the Council amendments to House Bill No. 257,

Which motion prevailed.

Mr. Glendenning moved

To concur in the Council amendments to House Bill No. 225,

Which motion prevailed.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 233,

A bill for an act to amend section 2 of chapter 72 of the General Laws of 1883, relating to the drawing of jurors by township supervisors,

Which has been lost on passage.

Also,

House Bill No. 228,

A bill for an act legalizing the acts of the board of county commissioners of McHenry county, Dakota Territory, in laying out, surveying and platting a certain county road in said McHenry county,

Further consideration of which has been indefinitely postponed, and

House Bill No. 275,

A bill for an act to amend section 16 of chapter 38 of the General Laws of 1883,

Also,

House Bill No. 269,

A joint resolution for the appointment of a Joint Committee on apportionment,

Also,

House Bill No. 255,

A bill for an act to enable towns and cities to change the name, number and boundary of wards,

Also,

House Bill No. 170,

A bill for an act to amend certain sections of the Township Government act, chapter 112 of the General Laws of 1883, of Dakota,

Also,

House Bill No. 224,

A bill for an act to amend subdivision one (1) and two (2), of section five (5), chapter 84, of the General Laws of 1881,

Also,

House Bill No. 273,

A memorial to Congress, praying for the construction of a dam for the improvement of navigation of the Red river,

Which have been passed by the Council without change.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal school at Spearfish,

Having been recalled from the Governor for correction, was taken up at this time.

Mr. Wolzmuth moved to amend as follows:

Strike out the word and figure "six (6)" in the 7th line, section 1, printed bill.

Strike out the words and figures "fourteen thousand four hundred (14,400)" in lines 7 and 8, section 1, and insert in lieu thereof "twelve thousand ($12,000,)"

Which amendments were adopted.

The roll then being called on the final passage of the bill as amended there were ayes, 26; nays, 9; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, McDonell, Miltimore, Patten of Miner, Pruitt, Schnaidt, Shook, Sullivan, Ward, White, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Cook, Elliott, Hawk, Jones, Morris, Stewart of Walsh, Terrill.

Absent and not voting:

Messrs. Cooper, Fletcher, Mallory, Mentzer, Moore, Patton of Lawrence, Royer, Ruggles, Sprague, Stewart of Fall River, Williams of Grant, Williams of Burleigh, Wise.

So the bill passed and

Its title was agreed to.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives;

I have the honor to inform the House that I have approved

House Bill No. 301,

An act to suppress and prevent the spread of contagious or infectious diseases among domestic animals.

House Bill No. 337,

A joint resolution making an appropriation to pay for the printing of the biennial reports of the territorial officers and institutions for the fiscal years of 1885 and 1886.

House Bill No. 295,

An act to amend an act entitled an act to amend chapter 30 of the Political Code, relating to the territorial militia.

House Bill No. 128,

An act to repeal an act entitled an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness, approved March 12, 1885.

House Bill No. 253,

An act to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees.

House Bill No. 278,

An act legalizing the acts of A. L. Bain, as notary public of the Territory of Dakota.

Respectfully,
LOUIS K. CHURCH,
Governor.

Council Bill No. 318,

A bill for an act providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 30; nays, 0; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mallory, Miltimore, Morris, Patten of Miner, Royer, Schnaidt, Shook, Sullivan, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Dodds. Elliott, Ely, Ensign, Fellows, Fletcher, Hawk, McDonell, Mentzer, Moore, Patton of Lawrence, Pruitt, Ruggles, Sprague, Stewart of Fall River, Stewart of Walsh, Williams of Grant, Williams of Burleigh.

So the bill passed, and

Its title was agreed to,

Council Bill No. 247,

A joint resolution to provide for the payment of extra compensation for the chief clerk of the 10th and 11th sessions of the Legislative Assembly of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 36; nays 5; not voting, 7.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Dodds, Dutch, Elliott, Ely, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cook, Hawk, Mallory, Stewart of Walsh.

Absent and not voting:

Messrs. Cooper, Ensign, Fellows, Fletcher, Moore, Pruitt, Stewart of Fall River.

So the bill passed and

Its title was agreed to.

Mr. Fellows moved

That Council Bill No. 260 be recalled from the Insurance Committee and placed on its final passage,

Which motion prevailed.

Council Bill No. 315,

A bill for an act authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 29; nays 0; not voting 19.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Dutch, Ensign, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, McDonell, Miltimore, Morris, Patton of Lawrence, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, White, Williams of Grant, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Cooper, Elliott. Ely, Fellows, Fletcher, Jones, Mallory, Mentzer, Moore, Patten of Miner, Pruitt, Royer, Ruggles, Stewart of Fall River, Ward, Williams of Burleigh, Wise, Wyman.

So the bill passed, and

Its title was agreed to.

Mr. Williams of Burleigh, moved

The previous question and the passage of Council Bill No 304,

Which motion prevailed.

Council Bill No. 304,

A bill for an act to authorize the issuance of licenses for carrying on the business of public laundries,

Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 22; nays, 15; not voting, 11.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Dutch, Elliott, Ely, Fellows, Gilbert, Greene, Hubbard, Miltimore, Patton of Lawrence, Royer, Ruggles, Stewart of Fall River, Stewart of Walsh, Ward, White. Williams of Grant, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Burnham, Cook, Ensign, Glendenning, Harkins, Hawk, Jones, Mallory, McDonell, Patten of Miner, Shook, Sprague, Sullivan. Terrill, Mr. Speaker.

Absent and not voting:

Messrs. Cooper, Dodds, Fletcher, Hobart, Moore, Mentzer, Morris, Pruitt, Schnaidt, Williams of Burleigh, Wyman.

So the bill passed, and

Its title was agreed to.

REPORTS OF STANDING COMMITTEES.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 298, 104, 180, 215 and 315,

And find the same correctly engrossed and enrolled.

A. J. PRUITT.
Chairman

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 5:30 p. m. of this day,

House Bills Nos. 180, 215, 315, 298 and 104

Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

Mr. Berry offered the following resolution:

Resolved, by the House of Representatives of the Legislative Assembly of the Territory of Dakota, That the compensation of Isaac Hayes as janitor is hereby fixed at three dollars for each legislative day of the Seventeenth session,

Which resolution was adopted.

Mr. Berry introduced the following resolution:

Resolved, That Mr. Cheatham be paid the sum of five dollars for hack hire during a call of the House, and also that Wm. Dober be paid the sum of six dollars as hack hire during a call of the House,

Which resolution was adopted.

The following report was submitted:

MR. SPEAKER:

The Judiciary Committee submit herewith a bill to correct an act passed at the present session of the Legislature and ask unanimous consent that the rules be suspended anp the bill read the first, second and third time and put upon its final passage.

FRANK R. AIKENS,
Chairman.

The Judiciary Committee by unanimous consent introduced—

House Bill No. 353,

A bill for an act to amend an act entitled an act to provide for the location of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting therein, which became a law March 11, 1887.

Mr. Aikens moved

That the rules be suspended, and that House Bill No. 353 be given its first, second and third reading and placed upon its final passage.

The motion prevailed, and

House bill No. 353,

A bill for an act to amend an act entitled "an act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," which became a law March 11, 1887,

Was read the first, second and third time and placed upon its final passage.

The roll being called, there were ayes, 29; nays, 1; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Elliott, Ely, Ensign, Fellows, Gilbert, Greene, Harkins, Hubbard, Jones, Mentzer, Miltimore, Moore, Patton of Lawrence, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Hawk.

Absent and not voting:

Messrs. Cook, Cooper, Dodds, Dutch, Fletcher, Glendenning, Hobart, Mallory, McDonell, Morris, Patten of Miner, Pruitt, Royer, Shook, Stewart of Walsh, Terrill, White, Wolzmuth.

So the bill passed and

Its title was agreed to.

Mr. Williams, of Burleigh, by unanimous consent introduced

House Bill No. 354,

A substitute bill for

Council Bill No. 104,

A bill for an act to amend section 38, chapter 28 of the Political Code, entitled "Revenue."

Which was read the first and second time.

Council Bill No. 259,

A bill for an act providing the manner of assessing stocks and shares of banks and bank associations and collecting from the same, Was then taken, up read the third time and placed upon its final passage.

The roll being called there were ayes 25; nays, 5; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Berry, Cook, Dodds, Dutch, Fellows, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Mallory, Miltimore, Patten of Miner, Royer, Schnaidt, Shook, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Hawk, McDonell, Patton of Lawrence, Wolzmuth.

Absent and not voting:

Messrs. Aikens, Bidlake, Cooper, Elliott, Ely, Ensign, Fletcher, Greene, Jones, Mentzer, Moore, Morris, Pruitt. Ruggles, Sprague, Stewart of Fall River, Terrill, White.

So the bill passed, and

Its title was agreed to.

Council Bill No. 231,

A bill for an act regarding cities having exclusive control of the liquor traffic within their limits,

Was read the third time.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 321,

A bill for an act entitled an act for the refunding of the outstanding bonded indebtedness of the Territory, issued in 1881, bearing six per cent., for the construction of the insane hospital at Yankton and the penitentiary at Sioux Falls, and the five per cent. bonds issued for the construction of the west wing of hospital at Yankton,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 29; nays, none; not voting, 19.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Jones, Mallory, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Schnaidt, Sprague, Stewart of Fall River, Stewart of Walsh, White, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Elliott, Fletcher, Greene, Hubbard, McDonell, Mentzer, Moore, Pruitt, Royer, Ruggles, Shook, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith,

House Bill No. 270,

A bill for an act to appropriate funds for certain purposes,

Which has been passed by the Council, and

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Further consideration of which has been indefinitely postponed.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 298,

A bill for an act to provide for the purchase of books for the Territorial Library, and for the care and custody of the same,

And

House Bill No. 284,

A bill for an act making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota,

Which have been passed without change.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following report was submitted:

MR. SPEAKER:

Your Committee on Ways and Means, to whom was returned

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code entitled "Revenue,"

Beg leave to report a substitute bill for the same and recommend its passage at once.

A. S. STEWART,
Chairman

House Bill No. 354,—a substitute for Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code, entitled "Revenue," and section 9 of chapter 118, of the General Laws of 1881,

Was then read the third time and placed on its final passage.

The roll being called there were ayes, 26; nays, 0; not voting, 22.

Those who voted in the affirmative were:

Messrs. Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, McDonell, Miltimore, Patton of Lawrence, Patten of Miner, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Aikens, Ensign, Fletcher, Greene, Jones, Mentzer, Moore, Morris, Pruitt, Royer, Ruggles, Schnaidt, Sullivan, Terrill, Ward, White, Williams of Grant, Wiliams of Burleigh, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

The following report from the Judiciary Committee was presented:

MR. SPEAKER:

The Judiciary Committee return herewith

House Bill No. 259,

A bill for an act to create a new subdivision of the Third judicial district,

With the recommendation that it do pass.

This bill has been in the hands of the committee for a long time, held on account of a misunderstanding. Judge McConnell, the judge in the district referred to, has informed the committee that it is very essential that it should pass.

FRANK R. AIKENS,
Chairman.

House Bill No. 259,

A bill for an act to create a new subdivision of the Third judicial district,

Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 30; nays, 0; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Cooper, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Mallory, Patten of Miner, Ruggles, Shook, Sprague, Sullivan, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Dodds, Dutch, Jones, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Pruitt, Royer, Schnaidt, Stewart of Fall River, Stewart of Walsh, Terrill, Williams of Burleigh.

So the bill passed and

Its title was agreed to.

Mr. Williams, of Burleigh, moved

That the chief clerk be directed to respectfully request His Excellency the Governor to return to this body for correction, House Bill No. 298,

Which motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I am instructed to request the return to the Council of Substitute for House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell certain real property of the Territory to pay outstanding warrants, and to discharge the commission created by chapter 104, of the General Laws of 1883,

For change.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

House Bill No. 298.

A bill for an act to provide for the purchase of books for the Territorial Library, and for the care and custody of the same,

Having been returned to the House by the Governor, by request, for corrections,

Mr. Williams, of Burleigh, moved

That the bill be amended as follows:

In lines 2 and 3 of printed bill, strike out the following words: "by the secretary," and insert in lieu thereof the following words "under the authority and direction of the Governor."

Also, strike out all of section 2.

Which amendments were adopted.

Mr. Greene moved

That the rules be suspended and that Council Bill No. 298, as amended, be read the first, second and third time and placed on its final passage,

Which motion prevailed, and

Council Bill No. 298,

A bill for an act to provide for the purchase of books for the territorial library and for the care and custody of the same,

Was read the first, second and third time, and placed upon its final passage.

The roll being called there were ayes, 30; nays, 1; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cooper, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Mentzer, Miltimore, Moore, Patton of Lawrence, Ruggles, Shook, Sprague, Stewart of Fall River, Sullivan, Ward, White, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those voting in the negative were:

Mr. Aikens.

Absent and not voting:

Messrs. Berry, Cook, Dodds, Fletcher, Hubbard, Jones, Mallory, McDonell, Morris, Patten of Miner, Pruitt, Royer, Schnaidt, Stewart of Walsh, Terrill, Williams of Grant, Wolzmuth.

So the bill passed and
Its title was agreed to.

Council Bill No. 168,

A bill for an act for the creation of a board of railroad and warehouse commissioners, and for the regulation of common carriers,
Was taken up at this time and read the third time.

Mr. Williams, of Burleigh demanded a call of the house.

The roll was called and all members were found present except Messrs. Elliott, Hubbard, Miltimore, and Mr. Terrill, who was excused.

Mr. Williams, of Burleigh, moved
That further proceedings under the call be dispensed with,
Which motion prevailed.

Mr. Williams of Burleigh, moved
The previous question,
Which motion prevailed, and
The roll being called on the final passage of the bill there were ayes, 29; nays, 12; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Cooper, Dodds, Ely, Ensign, Fellows, Gilbert, Glendenning, Hobart, McDonell, Mentzer, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Adams, Burnham, Cook, Fletcher, Greene, Harkins, Hawk, Jones, Mallory, Stewart of Walsh, Ward, Mr. Speaker.

Absent and not voting:

Messrs. Dutch, Elliott, Hubbard, Miltimore, Moore, Royer, Terrill.

So the bill passed and
Its title was agreed to.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 248,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 222, 277, 157, 276, 305 and 169,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

FIRST AND SECOND READING OF COUNCIL BILLS.

Council Bill No. 278,

A bill for an act entitled an act relative to the compensation of physicians and surgeons giving expert testimony in any court in this Territory,

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 242,

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled an act to amend section 3 of chapter 27 of the Political Code,

Was read the first and second time and

Referred to the Committee on Judiciary.

Council Bill No. 286,

A bill for an act entitled "an act relating to irrigation ditches,"

Was read the first and second time and

Referred to the Committee on Agriculture.

Council Bill No. 223,

A bill for an act to amend section 39, of chapter 23, of an act entitled "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane,

Was read the first and second time and

Referred to the Committee on Territorial Affairs.

Council Bill No. 284.

A bill for an act to ratify acts of loan companies and building and loan associations and to provide for their further existence without reincorporation, Was read the first and second time.

Mr. Williams of Burleigh, moved

That the rules be suspended and that Council Bill No. 284 be read the third time and placed on its final passage.

Which motion prevailed, and

Council Bill No. 284,

A bill for an act to ratify acts of loan companies and building and loan associations, and to provide for their further existence without reincorporation,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 19; nays, 13; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Burnham, Dodds, Elliott, Ensign, Fletcher, Glendenning, Greene, Harkins, Hawk, Hobart, McDonell, Miltimore, Schnaidt, Shook, Sprague, Stewart of Fall River, Williams of Burleigh, Wise.

Those who voted in the negative were:

Messrs. Berry, Bidlake, Ely, Fellows, Gilbert, Jones, Patton of Lawrence, Stewart of Walsh, Sullivan, White, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Cook, Cooper, Dutch, Hubbard, Mallory, Mentzer, Moore, Morris, Patten of Miner, Pruitt, Royer, Ruggles, Terrill, Ward, Williams of Grant,

So the bill passed, and

Its title was agreed to.

Mr. Williams of Burleigh, moved

To reconsider the vote by which Council Bill No. 292, was passed and to lay the motion to reconsider on the table,

Which motion prevailed.

Council Bill No. 292,

A bill for an act to amend section 643 of the Penal Code,

Was then taken up, read the third time and placed upon its final passage.

The roll being called there were ayes, 21; nays, 16; not voting, 20.

Those who voted in the affirmative were:

Messrs. Bidlake, Burnham, Dodds, Ely, Glendenning, Harkins, Hawk, Shook, Sprague, Stewart of Fall River, Williams of Burleigh, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Aikens, Berry, Dutch, Elliott, Fellows, Fletcher, Gilbert, Hobart, Jones, McDonell, Miltimore, Ruggles, Stewart of Walsh, Sullivan, Wyman.

Absent and not voting:

Messrs. Cook, Cooper, Ensign, Greene, Hubbard, Mallory, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth.

So the bill was lost.

Council Bill No. 323,

A bill for an act to amend section 92 of the Code of Civil Procedure.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 26; nays, 3; not voting, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cooper, Dutch, Elliott, Ensign, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Jones, McDonell, Mentzer, Miltimore, Royer, Ruggles, Sprague, Stewart of Walsh, Sullivan, White, Williams of Burleigh, Wise, Wolzmuth, Mr. Speaker.

Those voting in the negative were:

Messrs. Adams, Burnham, Fellows.

Absent and not voting:

Messrs. Berry, Cook, Dodds, Ely, Fletcher, Hubbard, Mallory, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Shook, Stewart of Fall River, Terrill, Ward, Williams of Grant, Wyman.

So the bill passed and

Its title was agreed to.

Council Bill No. 280,

A bill for an act to amend chapter 7, of the Session Laws of 1885, entitled appeals in civil actions,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 28; nays, 3; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Dodds, Ensign, Fellows, Fletcher, Glendenning, Greene, Harkins, Hawk, Jones, Mc-

Donell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Sprague, Stewart of Fall River, Sullivan, Ward, White, Wise, Mr. Speaker.

Those voting in the negative were:
Messrs. Burnham, Hubbard, Stewart of Walsh.

Absent and not voting:
Messrs. Berry, Cook, Cooper, Dutch, Elliott, Ely, Gilbert, Hobart, Mallory, Patten of Miner, Pruitt, Shook, Terrill, Williams of Grant, Williams of Burleigh, Wolzmuth, Wyman.

So the bill passed and
Its title was agreed to.

Mr. Miltimore moved
To reconsider the vote by which Council Bill No. 323 was passed, and to lay the motion on the table,
Which motion prevailed.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:
The Committee on Engrossed and Enrolled Bills have examined
House Bill No. 14,
And find the same correctly engrossed.

A. J. PRUITT.
Chairman

MR. SPEAKER:
The Committee on Engrossed and Enrolled bills have examined
House Bill No. 19,
And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:
The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 7:30 p. m. of this day,
House Bills Nos. 222, 277, 157, 276, 305 and 169.
Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

The Speaker announced his signature to House Bills Nos. 235, 273, 225, 160, 269, 248, 173 and 345.

Mr. Ruggles moved
That Council Bill No. 59 be read the third time and placed on its final passage.

Mr. Aikens moved
That the further consideration of the bill be indefinitely postponed.

Mr. Ruggles moved
To lay the motion on the table,
Which motion was lost.

Mr. White moved
The previous question and the motion to indefinitely postpone prevailed.

Mr. Glendenning moved
To postpone the further consideration of Council Bill No. 191,
Which motion prevailed.

Council Bill No. 187,
A bill for an act amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly,
Was then taken up at this time, read the third time and placed upon its final passage.

The roll being called, there were ayes, 33; nays, 1; not voting, 14.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Patton of Lawrence, Patten of Miner, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:
Mr. Ruggles.

Absent and not voting:

Messrs. Adams, Cooper, Ely, Fellows, Hawk, Hobart, Moore, Morris, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Walsh.

So the bill passed, and
Its title was agreed to.

Council Bill No. 300,
A bill for an act compelling registers of deeds to keep

grantor and grantee indexes to conveyances and other instruments of record on file in his office effecting real estate,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 19; nays, 14; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Cook, Dodds, Dutch, Ensign, Fellows, Fletcher, Glendenning, Harkins, Mallory, Mentzer, Moore, Patten of Miner, Ruggles, Stewart of Fall River, Sullivan, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Bidlake, Burnham, Gilbert, Hobart, Hubbard, Jones, McDonell, Miltimore, Morris, Royer, Schnaidt, Williams of Grant.

Absent and not voting:

Messrs. Berry, Cooper, Elliott, Ely, Greene, Hawk, Patton of Lawrence, Pruitt, Shook, Sprague, Stewart of Walsh, Terrill, White, Wise, Wyman.

So the bill passed and

Its title was agreed to.

Mr. Williams, of Burleigh, moved

That the House concur in Council amendments to House Bill No. 147,

Which motion prevailed.

Mr. Mentzer moved

To reconsider the vote by which Council Bill No. 300 was passed, and to lay the motion to reconsider on the table,

Which motion prevailed.

Council Bill No. 245,

A bill for an act to amend an act relating to assignees, to amend section 2,042 of title 3 of part 2 of the Civil Code,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 29; nays 1; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dutch, Elliott, Gilbert, Glendenning, Greene. Harkins, Hawk, Hubbard, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Ward, White, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Mr. Patten of Miner.

Absent and not voting:

Messrs. Berry, Cooper, Dodds, Ely, Ensign, Fellows, Fletcher, Hobart, Jones, Morris, Pruitt, Royer, Sprague, Sullivan, Terrill, Williams of Grant, Wise, Wyman.

So the bill passed and

Its title was agreed to.

Mr. Cooper moved

To reconsider the vote by which Council Bill No. 168 was passed and the bill be made a special order for 10:30 o'clock p. m.,

Which motion prevailed.

Council Bill No. 278,

A bill for an act entitled "an act relative to the compensation of physicians and surgeons giving expert testimony in any court of this Territory.

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 27; nays, 6; not voting, 15.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Elliott, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mentzer, Miltimore, Moore, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Fletcher, McDonell, Patton of Lawrence, Patten of Miner, White.

Absent and not voting:

Messrs. Adams, Cooper, Ely, Ensign, Fellows, Greene, Jones, Mallory, Morris, Pruitt, Royer, Sprague, Terrill, Ward, Williams of Burleigh, Wyman.

So the bill passed, and

Its title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 145,

A bill for an act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell real property of the territory to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883.

Which was returned to the Council at their request for change, which has been amended by striking out in the last line of section 8 the word "general" and inserting in lieu thereof the words "territorial building," and by striking out section 10.

Your concurrence in that action is requested.

The bill as amended has been passed.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Miltimore moved

To concur in the Council amendments to House Bill No. 145.

Yeas and nays demanded.

The roll being called there were ayes, 27; nays, 19; not voting, 2.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Dodds, Ely, Fellows, Fletcher, Greene, Hawk, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Pruitt, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Terrill, Ward, Williams of Burleigh, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Aikens, Berry, Cooper, Dutch, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Morris, Patten of Miner, Royer, Schnaidt, Sullivan, White, Williams of Grant, Wise, Mr. Speaker.

Absent and not voting:

Messrs. Elliott and Ensign.

So the motion to concur prevailed.

Mr. Aikens moved the previous question,

Which motion prevailed.

Mr. Williams of Burleigh, moved

To reconsider the vote by which the House concurred in the Council amendments to House Bill No. 145,

Which motion prevailed.

Council Bill No. 223,

A bill for an act to amend section 39 of chapter 23 of an act entitled, "an act establishing the Dakota Hospital for the Insane, providing for the government of the same and for the care of the insane, and for the organization of a board of insanity in each organized county in this Territory," of the Session Laws of 1879,

Was taken up, read the third time and placed upon its final passage.

The roll being called, there were ayes, 24; nays, 6; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Mentzer, Moore, Patten of Miner, Royer, Ruggles, Schnaidt, Stewart of Fall River, Sullivan, Terrill, Ward, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Harkins, Patton of Lawrence, Pruitt, White, Williams of Grant, Wise.

Absent and not voting:

Messrs. Aikens, Berry, Cook, Dutch, Greene, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Miltimore, Morris, Shook, Sprague, Stewart of Walsh, Williams of Burleigh, Wyman.

So the bill passed,

Its title was agreed to.

Council Bill No. 286,

A bill for an act entitled an act relating to irrigation ditches,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 29; nays, 0; not voting, 19.

Those who voted in the affirmative were:

Messrs. Aikens, Dodds, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Berry, Bidlake, Burnham, Cook, Cooper, Dutch, Elliott, Ely, Ensign, Fellows, Greene, Hawk, Jones, Mallory, Morris, Pruitt, Schnaidt, White.

So the bill passed, and
Its title was agreed to,

Mr. Harkins moved
That Council bill No. 317 be recalled from the Committee on Appropriations
Which motion prevailed.

Council Bill No. 242.

A bill for an act to amend section 1 of chapter 53 of the Session Laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code."

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 26; nays, 1; not voting, 21.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cooper, Dodds, Dutch, Gilbert, Glendenning, Hobart, Jones, Mallory, McDonell, Miltimore, Patten of Miner, Royer, Schnaidt, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Mr. Harkins voting in the negative.

Absent and not voting:

Messrs. Adams, Berry, Cook, Elliott, Ely, Ensign, Fellows, Fletcher, Greene, Hawk, Hubbard, Mentzer, Moore, Morris, Patton of Lawrence, Pruitt, Ruggles, Shook, Stewart of Walsh, Sullivan, Williams of Burleigh.

So the bill passed and
Its title was agreed to.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Council and House of Representatives:

I would respectfully call attention to the fact that it is extremely important that some provision should be made in reference to the insurance of the public institutions and buildings of the Territory, calling attention to the fact that in consequence of the destruction of the Madison Normal

School building there has been incurred a loss to the city of Madison and the Territory of upwards of fifty-five thousand dollars, and that an appropriation has been made by the Legislature at this session to the amount of thirty-five thousand dollars towards the rebuilding of said institution. I would request the Legislature to take some action in reference to this question before adjournment.

Respectfully,
LOUIS K. CHURCH,
Governor.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 8:30 p. m. of this day

House Bills Nos. 248, 160, 345, 269, 225, 235, 173, 273,

Were delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bill No. 177,

And find the same correctly engrossed.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 248, 160. 345, 269, 225, 235, 173, 273,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

Council Bill No. 310,

A bill for an act to amend section 13, chapter 19 of the Political Code, relating to jurors,

Was read the third time.

Mr. Aikens moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 269,

A bill for an act to amend section 104 of the Code of Civil Procedure,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 32; nays, 0; not voting, 16.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Burnham, Cook, Cooper, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Harkins, Hawk, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Royer, Shook, Sprague, Stewart of Walsh, Terrill, Ward, White, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Berry, Bidlake. Elliott, Ely, Fletcher, Greene, Hubbard, Jones, Morris, Pruitt, Ruggles, Schnaidt, Stewart of Fall River, Sullivan, Williams of Grant, Williams of Burleigh.

So the bill passed, and
Its title was agreed to.

Council Bill No. 160,

A bill for an act providing the mode of appeals to the Supreme Court of the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 24; nays, 2; not voting, 22.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Ensign, Fellows, Gilbert, Glendenning, Greene, Hobart, Mallory, McDonell, Miltimore, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Williams of Grant, Wise, Wyman.

Those who voted in the negative were:

Messrs. Harkins, White.

Absent and not voting:

Messrs. Berry, Cooper, Elliott, Ely, Fletcher, Hawk, Hubbard, Jones, Mentzer, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Schnaidt, Stewart of Fall River, Sullivan, Terrill, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

So the bill passed and
Its title was agreed to.

Mr. Ruggles moved

That Council Bill No. 99 be recalled from the Committee on Appropriations, and Council Bill No. 283 be recalled from the Committee on Towns and Cities, and read the third time and placed on their final passage,

Which motion prevailed.

Council Bill No. 157,

A bill for an act to amend subdivision 7 of section 320, in chapter 26 of the Penal Code of the Territory of Dakota,

Was read the third time.

Mr. Adams moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 327,

A bill for an act to amend section 1 of an act entitled "an act to create the office of public examiner, defining the duties and dividing the Territory into two examiners' districts," of the Session Laws of 1887, approved March 9th, 1887,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 22; nays, 3; not voting, 13.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Dutch, Ensign, Gilbert, Glendenning, Greene, Jones, Miltimore, Patten of Miner, Pruitt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Wise, Wolzmuth.

Those who voted in the negative were:

Messrs. Cooper, Harkins, Mallory.

Absent and not voting:

Messrs. Adams, Berry, Cook, Elliott, Ely, Fellows, Fletcher, Hawk, Hobart, Hubbard, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Royer, Ruggles, Schnaidt, Stewart of Fall River, White, Williams of Burleigh, Wyman, Mr. Speaker.

And so the bill passed and

Its title was agreed to.

The Speaker announced his signature to Council Bills Nos. 318, 326, 75, 315, 325, 293, 304, 247, 2 and 198.

The Speaker also announced his signature to House Bills Nos. 281, 207, 224 and 275.

Council Bill No. 305,

A bill for an act prescribing a form for the acknowledgement of deeds and other instruments, and to legalize acknowledgements heretofore made by deputy sheriffs,

Was read the third time and placed upon its final passage.

The roll being called there were ayes 26; nays 4; not voting 18.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Ensign, Sullivan, Williams of Grant.

Absent and not voting:

Messrs. Berry, Cooper, Dutch, Elliott, Ely, Hawk, Hobart, Hubbard, Jones, Mallory, Patton of Lawrence, Pruitt, Royer, Schnaidt, Terrill, Ward, White, Williams of Burleigh.

So the bill passed and

Its title was agreed to.

Council Bill No. 167,

A bill for an act to amend section 271 and 277, Code of Civil Procedure,

Was read the third time and placed on its final passage.

The roll being called, there were ayes, 19; nays, 6; not voting, 23.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cooper, Dodds, Ensign, Fletcher, Greene, Mallory, Miltimore, Moore, Morris, Patten of Miner, Sprague, Stewart of Walsh, Ward, Williams of Grant, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Gilbert, Harkins, Hubbard, Pruitt, Sullivan, Terrill.

Absent and not voting:

Messrs. Aikens, Berry, Cook, Dutch, Elliott. Ely, Fellows, Glendenning, Hawk, Hobart, Jones, McDonell, Mentzer, Patton of Lawrence, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, White, Williams of Burleigh, Wise, Wyman.

So the bill passed, and
Its title was agreed to.

Council Bill No. 149,

A bill for an act providing the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 35; nays, 1; not voting, 12.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dodds, Dutch. Ensign, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, White, Williams of Grant, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Mr. Ruggles.

Absent and not voting:

Messrs. Bidlake, Elliott, Ely, Fellows, Fletcher, Hobart, Patton of Lawrence, Pruitt, Royer, Stewart of Walsh, Sullivan, Williams of Burleigh.

So the bill passed and
Its title was agreed to.

Council Bill No. 104,

A bill for an act to amend section 38 of chapter 28 of the Political Code, entitled "Revenue,"

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 48; nays, 0; not voting, 0.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cook, Cooper, Dodds, Dutch, Elliott, Ely, Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

So the bill passed, and

Its title was agreed to.

Council Bill No. 307,

A bill for an act to provide for struck juries,

Was read the third time and placed upon its fiinal passage.

The roll being called there were ayes, 26; nays, 6; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Cook, Cooper, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkine, Hubbard, Mallory, McDonell, Miltimore, Moore, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Terrill, Ward, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Burnham, Fellows, Mentzer, Williams of Burleigh, Wyman.

Absent and not voting:

Messrs. Bidlake, Dodds, Dutch, Elliott, Ely, Hawk, Hobart, Jones, Morris, Patton of Lawrence, Pruitt, Royer, Stewart of Walsh, Sullivan, White, Wolzmuth.

So the bill passed, and

Its title was agreed to.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 132,

A bill for an act to make it the duty of the County Auditor or Clerk to supply civil townships with necessary books and blanks.

House Bill No. 68,

A bill for an act for prevention of the wearing of G. A. R. badges when not entitled thereto.

House Bill No. 343,

A bill for an act making the Black Hills prairie fire law of 1881 a general law for all of the Territory.

House Bill No. 304,

A bill for an act authorizing the territorial treasurer to purchase time-lock safe for use of the office of territorial treasurer,

House Bill No. 351,

A joint resolution to provide for the payment of mileage of joint committees.

House Bill No. 342,

A bill for an act to establish a public school law of Dakota Territory,

Which have passed the Council without change, and

House Bill No. 349,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals and for other purposes,

Which was lost on passage.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 332,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

And ask your favorable consideration thereof.

Very respectfully
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have been instructed to request the return to the Council of

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics, That the vote by which it was lost may be reconsidered.

Very respectfully,

T. A. KINGSBURY,
Chief Clerk.

Mr. Williams of Burleigh, moved

That Council Bill No. 332 be read the third time and placed on its final passage,

Which motion prevailed.

Council Bill No. 332,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Was then read the third time and placed upon its final passage.

The roll being called there were ayes, 42; nays, 0; not voting, 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dodds, Dutch, Elliott, Ely. Ensign, Fellows, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, White, Williams of Grant, Williams of Burleigh, Wise, Wolzmuth, Wyman, Mr. Speaker.

Absent and not voting:

Messrs. Cook, Hawk, Mallory, McDonell, Ruggles, Terrill.

So the bill passed and

Its title was agreed to.

Mr. Sullivan moved

To reconsider the vote by which the bill passed, and to lay the motion on the table,

Which motion prevailed.

Council Bill No. 99,

A bill for an act to provide for the collection of city taxes in incorporated cities in the Territory of Dakota,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 30; nays, 5; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Burnham, Cook, Cooper, Dodds, Elliott, Ely, Ensign, Fellows, Fletcher, Glendenning, Greene, Hubbard, McDonell, Mentzer, Miltimore, Moore, Royer, Ruggles, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Wise, Wolzmuth, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Gilbert, Harkins, Jones, Patten of Miner.

Absent and not voting:

Messrs. Aikens, Dutch, Hawk, Hobart, Mallory, Morris, Patton of Lawrence, Pruitt, Schnaidt, Terrill, White, Williams of Grant, Williams of Burleigh.

So the bill passed, and

Its title was agreed to.

Council Bill No. 180,

A bill for an act to amend chapter 656 of the Code of Civil Procedure,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 30; nays, 3; not voting, 15.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Bidlake, Burnham, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mentzer, Miltimore, Moore, Morris, Royer, Shook, Sprague, Stewart of Walsh, Sullivan, Ward, Williams of Burleigh, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Patton of Lawrence, Williams of Grant, Wise.

Absent and not voting:

Messrs. Cook, Cooper, Fellows, Green, Hawk, Mallory, McDonell, Patten of Miner, Pruitt, Ruggles, Schnaidt, Stewart of Fall River, Terrill, White, Wyman.

So the bill passed, and

Its title was agreed to.

Council Bill No. 260,

A bill for an act relating to the insurance of public buildings in the Territory of Dakota,

Was read the third time.

Mr. Elliott moved

That the further consideration of Council Bill No. 260 be indefinitely postponed.

Mr. Sullivan moved
To lay the motion on the table,
Which motion prevailed.

The roll then being called on the final passage of the bill there were ayes, 30; nays, 12; not voting 6.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Cooper, Dodds, Dutch, Ely, Fellows, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Mallory, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Ruggles, Schnaidt, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, White, Wolzmuth, Wyman.

Those who voted in the negative were:

Messrs. Berry, Burnham, Cook, Elliott, Ensign, Hawk, Hubbard, Jones, Patton of Lawrence, Royer, Stewart of Fall River, Mr. Speaker.

Absent and not voting.

Messrs. Greene, Morris, Pruitt, Williams of Grant, Williams of Burleigh, Wise.

So the bill passed and
Its title was agreed to.

Mr. Aikens moved
That the vote by which Council Bill No. 260 was passed be reconsidered, and that the motion to reconsider be laid on the table,
Which motion prevailed.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

House Bill No. 215,
An act regulating the procurement of chattel mortgages in connection with application for insurance, and providing a penalty for violation thereof,

House Bill No. 150,
An act to amend an act to create a territorial department of agriculture, and relating to agricultural societies

and agricultural fairs, and providing for reports of the same.

House Bill No. 142,

An act to provide for the location of alleys in cities and incorporated towns and villages.

House Bill No. 104,

An act for the cancellation of county warrants.

Joint Resolution No. 157,

Being an act to pay for chairs for use of ladies visiting the capitol.

House Bill No 276,

An act to authorize cities, towns and villages to levy and collect taxes for municipal purposes.

House Bill No. 302,

An act to prevent the spread of contagious diseases among sheep.

House Bill No. 284,

An act making appropriations for the current and contingent expenses of the Normal School at Spearfish, Dakota Territory.

House Bill No. 327,

An act to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota at Vermillion, and for other purposes.

House Bill No. 179,

Being a joint resolution providing for the payment of John P. Hoagland for repairing the Hall of the House of Representatives.

House Bill No. 257,

An act to provide for the issuing of bonds and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor.

House Bill No. 277,

An act to amend section 45 of chapter 21 of the Political Code, relating to the manner of letting contracts by county boards.

House Bill No. 252,

An act entitled "an act prto ovide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown, and to appropriate money therefor.

House Bill No. 160,

An act to amend section 3 of chapter 26 of the

General Laws of 1879, increasing amount of license for sale of intoxicating liquors.

House Bill No. 173,

An act to prohibit the destruction of beavers in the Territory of Dakota.

House Bill No. 183,

An act making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, and for necessary repairs and improvements.

House Bill No. 225,

An act providing for meetings of the township boards of supervisors, and defining the duties of the same.

House Bill No. 336,

An act to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dak.

House Bill No 345,

Joint resolution—being an act to provide for the payment of Aaron Cheathem and John Ostland for hack hire during call of the House.

House Bill No. 323,

An act appropriating funds for the maintinance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes.

House Bill No. 288,

An act appropriating funds for the maintenance of the University of North Dakota, at Grand Forks, D. T.

Substitute for House Bill No. 305,

An act regulating the salaries of registers of deeds and county treasurers.

House Bill No. 274,

An act to provide funds for the maintenance of the University of Dakota at Vermillion, and for other purposes.

House Bill No. 335,

An act making an appropriation to pay deficiency in expense account of Railroad Commissioners and for railroad maps.

Respectfully,
LOUIS K. CHURCH,
Governor.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 187,

A bill for an act to amend section 112 of the Justices' Code of the Territory of Dakota.

Also,

House Bill No. 178.

A bill for an act to amend section 655 of the Code of Civil procedure.

Also,

House Bill No. 136,

A bill for an act in relation to the rendition of fugutives from justice.

Also,

House Bill No. 133,

A bill for an act to amend section 1 of chapter 145 of the Session Laws of 1885, entitled "Tree Planting."

Also,

House Bill No. 118,

A bill for an act to secure in the Territory of Dakota, to honorably discharged soldiers and sailors who served in the army and navy of the United States during the late war, the rights and privileges guaranteed to them by sections 1754 and 1755 of the revised statutes of the United States, also section 3, chapter 287, laws of 1876.

Also,

House Bill No. 164,

A Joint Memorial to the Congress of the United States of America for the improvement of the Big Sioux river.

Also.

House Bill No. 182,

A bill for an act to amend chapter 61 of the Sessions Law of 1881 relating to maks and brands,

Also,

House Bill No. 109.

A bill for an act to permit County Commissioners to compromise delinquent taxes.

Also,

House Bill No. 148,

A bill for an act to amend section 2 of Chapter 77 of the General Laws of 1881.

Which have been passed by the Council unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Council Bill No. 136,

A bill for an act to amend articles 8 and 9 of chapter 12 of the Code of Civil Procedure,

Was then taken up, read the third time and placed upon its final passage.

The roll being called there were ayes, 31; nays, none; not voting, 17.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Cook, Dodds, Dutch, Ely, Ensign, Fellows, Gilbert, Harkins, Hobart, Hubbard, Mallory, McDonell, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise.

Absent and not voting:

Messrs. Adams, Berry, Cooper, Elliott, Fletcher, Glendenning, Greene, Hawk, Jones, Mentzer, Pruitt, Ruggles, Sprague, White, Wolzmuth, Wyman, Mr. Speaker.

So the bill passed, and

Its title was agreed to.

Council Bill No. 246,

A bill for an act amending section 37 of chapter 1 of the Justices Code of Dakota,

Was read the third time.

Mr. Aikens moved

That the further consideration of the same be indefinitely postponed,

Which motion prevailed.

Council Bill No. 279,

A bill for an act entitled an act to amend section 197 and 199 and 218 of the Code of Civil Procedure,

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 18; nays, 14; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Cooper, Dodds, Ensign, Fletcher, Glendenning, Harkins, Mallory, McDonell, Miltimore, Moore, Morris, Schnaidt, Stewart of Fall River, Williams of Grant, Wolzmuth, Mr. Speaker.

Those who voted in the negative were:

Messrs. Berry, Burnham, Hawk, Hobart, Hubbard, Patton of Lawrence, Patten of Miner, Royer, Stewart of Walsh, Sullivan, Terrill, Ward, Wise, Wyman.

Absent and not voting:

Messrs. Adams, Cook, Dutch, Elliott, Ely, Fellows, Gilbert, Greene, Jones, Mentzer, Pruitt, Ruggles, Shook, Sprague, White, Wiliams of Burleigh.

So the bill passed, and

Its title was agreed to.

Council Bill No. 123,

A bill for an act to require non-resident and foreign corporation plaintiffs to give security for costs, and to repeal sections 397 and 450 of the Code of Civil Procedure.

Was read the third time and placed upon its final passage.

The roll being called there were ayes, 14; nays, 20; not voting, 14.

Those who voted in the affirmative were:

Messrs. Burnham, Cook, Ensign, Glendenning, Harkins, Hawk, Hubbard, Mallory, Mentzer, Miltimore, Moore, Patton of Lawrence, Stewart of Fall River, Stewart of Walsh.

Those who voted in the negative were:

Messrs. Aikens, Berry, Dodds, Dutch, Elliott, Gilbert, Hobart, Jones, McDonell, Morris, Patten of Miner, Royer, Ruggles, Sullivan, Terrill, Ward, White, Williams of Grant, Wolzmuth, Mr. Speaker.

Absent and not voting:

Messrs. Adams, Bidlake, Cooper, Ely, Fellows, Fletcher, Greene, Pruitt, Schnaidt, Shook, Sprague, Williams of Burleigh, Wise, Wyman.

So the bill was lost.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 333,

A bill for an act entitled an act to appropriate funds to reimburse territorial militia for armory rent and other expenses,

And to ask your favorable consideration of the same.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 9:30 p. m. of this day

House Bills Nos. 281, 270, 224 and 275

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 281, 270, 224 and 275,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

The Speaker announced his signature to House Bills Nos. 243, 351, 255, 145, 353.

Council Bill No. 39,

A bill for an act to provide for the foreclosure of mortgages on real estate by action, and to abolish other methods of foreclosure of the same,

Was read the third time.

Mr. Burnham moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 228,

A bill for an act providing a remedy by garnishment in district courts in the Territory of Dakota,

Was read the third time.

Mr. Aikens moved

That the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Council Bill No. 333,

A bill for an act entitled an act to appropriate funds to reimburse Territorial Militia for armory rent and other purposes,

Was read the first time, the rules suspended, and the bill read the second and third time and placed upon its final passage.

The roll being called there were ayes 30; nays, 11; not voting, 7.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Dutch, Elliott, Ely, Ensign, Fletcher, Gilbert, Glendenning, Greene, Harkins, Hobart, McDonell, Mentzer, Miltimore, Moore, Patten of Miner, Royer, Ruggles, Shook, Sprague, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Adams, Berry, Cook, Hawk, Hubbard, Jones, Mallory, Morris, Patton of Lawrence, Stewart of Fall River, Williams of Grant.

Absent and not voting:

Messrs. Cooper, Fellows, Pruitt. Schnaidt, White, Wolzmuth, Wyman.

So the bill passed, and

Its title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11th, 1887.

MR. SPEAKER:

I have the honor to transmit herewith

Council Bill No. 334,

A bill for an act to provide funds for making permanent and necessaay improvements at the Dakota Penitentiary at Bismarck,

And ask your favorable consideration of the same.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Council Bill No. 334,

A bill for an act providing funds for making permanent and necessary improvements for the Penitentiary at Bismarck, Was then read the third time and placed upon its final passage.

The roll being called, there were ayes, 30; nays, 2; not voting, 16.

Those who voted in the affirmative were:

Messrs. Aikens, Bidlake, Burnham, Dodds, Dutch, Ely, Ensign, Fletcher, Harkins, Hawk, Hobart, Hubbard, McDonell, Mentzer, Miltimore, Moore, Patton of Lawrence, Patten of Miner, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, Williams of Grant, Williams of Burleigh, Wise, Wyman.

Those voting in the negative were:

Messrs. Jones, Morris.

Absent and not voting:

Messrs. Adams, Berry, Cook, Cooper, Elliott, Fellows, Gilbert, Glendenning, Greene, Mallory, Pruitt, Royer, Ruggles, White, Wolzmuth, Mr. Speaker.

So the bill passed and

Its title was agreed to.

Mr. Williams, of Burleigh, presented and had read the following telegram:

DEVILS LAKE, March 11, 1887.

To GOV. L. K. CHURCH,
BISMARCK, DAK.

Major Benham has just returned in company with the United States deputy marshal. They report that there is no need for militia at present. Major Cramsie, Indian agent, was at St. John. Cramsie urges that time to June 1st be given the Indians to pay taxes. The authorities fear the Indians will leave by that time. The authorities there are utterly powerless to enforce the law, and Benham says that the people are in a bad condition without force back of them. The leaders took the stock from the sheriff in defiance of the United States marshal. He thinks a force of fifty men should be sent to arrest the leaders. The proposed cavalry will help that people. A formal report will be sent you to-morrow. I go home this morning.

N. N. TYNER.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

House Bill No. 248,

An act for the protection of game.

House Bill No. 281,

An act to legalize the acts of Allen M. Chaney as Notary Public of the Territory of Dakota.

House Bill No. 224,

An act to amend subdivisions one (1) and two (2), of section five (5), chapter 84, of the General Laws of 1881.

Respectfully,
LOUIS K. CHURCH,
Governor.

House Bill No. 58,

A bill for an act to provide for the holding and conduct of elections,

Was read the third time and placed upon its final passage.

The roll being called, there were ayes, 11; nays, 24; not voting, 13.

Those who voted in the affirmative were:

Messrs. Adams, Bidlake, Elliott, Ensign, McDonell, Morris, Sprague, Stewart of Walsh, Sullivan, Williams of Grant, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Burnham, Dodds, Fletcher, Gilbert, Glendenning, Harkins, Hobart, Hubbard, Jones, Mallory, Mentzer, Miltimore, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Terrill, Ward, White, Wise, Wolzmuth.

Absent and not voting:

Messrs. Cook, Cooper, Dutch, Ely, Fellows, Greene, Hawk, Moore, Pruitt, Shook, Stewart of Fall River, Williams of Burleigh, Wyman.

So the bill was lost.

Mr. Miltimore moved

That the further consideration of Council Bill No. 285 be indefinitely postponed,

Which motion prevailed.

Mr. Aikens moved

That the further consideration of Council Bill No. 169 be indefinitely postponed,

Which motion prevailed.

The Speaker announced his signature to House Bill No. 253.

Mr. Miltimore moved
To indefinitely postpone further consideration of House Bill No. 246,
Which motion prevailed.

Mr. Mentzer moved
To indefinitely postpone further consideration of Council Bill No. 4,
Which motion prevailed.

Mr. Cooper moved
To indefinitely postpone further consideration of
Council Bill No. 168,
Pending which, Mr. Sullivan moved
To lay the motion on the table,
Which motion was lost.

Roll call on original motion demanded.

The roll being called there were ayes, 20; nays, 12; not voting, 16.

Those who voted in the affirmative were:
Messrs. Adams, Cook, Cooper, Dutch, Elliott, Fletcher, Glendenning, Greene, Harkins, Hubbard, Mallory, Miltimore, Moore, Patten of Miner, Terrill, Ward, Williams of Grant, Wise, Wolzmuth, Mr. Speaker.

Those voting in the negative were:
Messrs. Burnham, Dodds, Ely, Fellows, McDonell, Patton of Lawrence, Pruitt, Royer, Shook, Stewart of Fall River, Sullivan, Wyman.

Absent and not voting:
Messrs. Aikens, Berry, Bidlake, Ensign, Gilbert, Hawk, Hobart, Jones, Mentzer, Morris, Ruggles, Schnaidt, Sprague, Stewart of Walsh, White, Williams of Burleigh.
So the motion prevailed.

The Speaker announced his signature to House Bills Nos. 304, 343, 147, 187, 109, 178 and 3.

REPORTS OF STANDING COMMITTEES.

The following reports were submitted:

MR. SPEAKER:
The Committee on Engrossed and Enrolled Bills have examined
House Bills Nos. 147, 109, 343, 178, 187 and 304,

And find the same correctly engrossed and enrolled.

A. J. PRUITT.
Chairman

MR. SPEAKER:

The Committee on Engrossed and Enrolled bills have examined

House Bills Nos. 243, 255, 353 and 145,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 10:30 p. m. of this day,

House Bills Nos. 243, 255, 353 and 145,

Were delivered to His Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to transmit herewith,

Council Bill No. 335,

A bill for an act concerning insurance companies and to authorize the territorial auditor to sue for and collect penalties,

And to ask your concurrence in its passage.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 296,

A bill for an act to amend section 73 of chapter 28 of the Political Code,

Which the Council has amended by inserting after "expire" the words "by personal service on the owner thereof if resident in such county or" and passed.

House Bill No. 312,

A bill for an act to amend section 1 of chapter 43 of the General Laws of 1883,

Which has been lost on passage, and

Council Bill No. 334,

A bill for an act to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck,

Which has been passed unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved

House Bill No. 353,

An act to amend an act entitled an act to provide for the re-location of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting therein, which became a law March 11, 1887.

House Bill No. 255,

An act to enable towns and cities to change the name, number and boundary of wards.

Respectfully,
LOUIS K. CHURCH,
Governor.

House Bill No. 355,

A bill for an act to amend chapter 99 of the General Laws of 1883,

Was read the first, second and third times and placed upon its final passage.

The roll being called, there were ayes, 25; nays, 5; not voting, 18.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Berry, Burnham, Cook, Cooper, Dutch, Fletcher, Gilbert, Glendenning, Harkins, Hawk, Hobart, Hubbard, Mallory, Miltimore, Patten of Miner, Schnaidt, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Bidlake, Ely, Ensign, Ruggles, Wolzmuth.

Absent and not voting:

Messrs. Dodds, Elliott, Fellows, Greene, Jones, McDonell, Mentzer, Moore, Morris, Patton of Lawrence, Pruitt, Royer, Shook, Sprague, Terrill, White, Williams of Burleigh, Wyman.

So the bill passed, and
Its title was agreed to.

Mr. Williams, of Burleigh, moved
To reconsider the vote by which House Bill No. 355 was passed,
Which motion was lost.

Mr. Fellows moved
That the House do now proceed to the consideration of Council Bill No. 9, vetoed by the Governor,
Which motion prevailed.

Council Bill No. 9,
A bill for an act entitled "an act amending chapter 40 of the Special Laws of the Fifteenth General Assembly,"
Was considered in connection with the Governor's veto.

The question being shall the bill pass the Governor's objections to the contrary notwithstanding, and
The roll being called there were ayes, 33; nays, 7; not voting, 8.

Those who voted in the affirmative were:

Messrs. Adams, Aikens, Bidlake, Burnham, Dodds, Elliott, Ely, Ensign, Fellows, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, McDonell, Mentzer, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Stewart of Fall River, Stewart of Walsh, Sullivan, Ward, Williams of Grant, Wyman, Mr. Speaker.

Those voting in the negative were:
Messrs. Berry, Cook, Gilbert, Mallory, Moore, Terrill, Wise.

Absent and not voting:
Messrs. Cooper, Dutch, Fletcher, Hobart, Sprague, White, Williams of Burleigh, Wolzmuth.

So the bill passed the Governor's objections to the contrary notwithstanding.

The Speaker announce his signature to House Bills Nos. 118, 136, 182, 68, 349 and 342.

The Speaker also announced his signature to Council Bills Nos. 284, 260. 321, 278, 333, 269, 180, 334, 99. 223, 187, 305, 307 and 321.

The following message from the Council was read:

COUNCIL CHAMBER,
March 11, 1887,

MR. SPEAKER:

I hereby certify that
Council Bill No. 264,
A bill for an act providing for township organization,
Passed the Council as printed without amendment, on March 9, 1887.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Aikens moved
That printed Council Bill No. 264 be substituted for the written Council Bill No. 264, the said written Council Bill No. 264 having been lost, and that it be read the third time and placed upon its final passage.
Which motion prevailed.

The rules were suspended and
Council Bill No. 264,
A bill for an act providing for township organization,
Was read the first, second and third time and placed on its final passage.

The roll being called there were ayes, 38; nays, 0; not voting, 10.

Those who voted in the affirmative were:
Messrs. Adams, Aikens, Burnham, Cook, Dodds, Dutch, Elliott, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hubbard, Jones, Mallory, McDonell, Mentzer, Miltimore, Moore, Morris, Patton of Lawrence, Patten of Miner, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Stewart of Walsh, Sullivan, Terrill, Ward, White, Williams of Grant, Wise, Wyman, Mr. Speaker.

Absent and not voting:
Messrs. Berry, Bidlake, Cooper, Ely, Ensign, Fletcher, Hobart, Pruitt, Williams of Burleigh, Wolzmuth.
So the bill passed and
Its title was agreed to.

Mr. Williams, of Burleigh, offered the following resolution and moved its adoption:

Resolved, That we, the members of this House, extend to the Hon. George C. Crose our thanks for the able and impartial manner in which he has discharged his duties as Speaker of this House, and we hereby vote him the gavel which he has wielded with such laudable impartiality,

Which motion prevailed, and the resolution was adopted.

The following reports were presented:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of 11 p. m. of this day

House Bills Nos. 147, 109, 343, 178, 187, 251, 304,

Were delivered to his excellency, the Governor, for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 182, 68, 118, 349, 136, 342,

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

Substitute for House Bill No. 165,

An act to make appropriation for the payment of armory rent of the regimental bands of the Dakota National Guard.

Substitute for House Bill No. 159,

An act creating the counties of Pierce and Church and defining the boundaries of the counties of Bottineau, Rolette, McHenry and Sheridan, and for other purposes.

Substitute for House Bill No. 145,

An act to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell real property of the territory to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883.

Respectfully,
LOUIS K. CHURCH,
Governor.

Mr. Williams of Burleigh, offered the following resolution and moved its adoption:

Resolved, That the sincere thanks of this House are due and are hereby tendered to the clerks and other officers of the House for the faithful and painstaking manner in which they have performed their several duties.

Which motion prevailed, and

The resolution was adopted.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

Council Bill No. 316,

A bill for an act making an appropriation for expenses of Railroad Commissioners thereof for two years, ending April 1, 1889,

And to ask your concurrence in the passage thereof.

And,

House Bill No. 259,

A bill for an act to create a new subdivision of the Third judicial district,

Which have been passed unchanged.

House Bill No. 77,

A bill for an act to provide for the collection and compilation of statistics,

Which has again been lost on passage.

And,

Council Bill No. 306,

A bill for an act in relation to insurance corporations.

In the passage of which your concurrence is asked.

Respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I am instructed to inform the House of Representatives that the Council has concluded its labor, and to inquire at what hour the House desire that the Legislative Assembly should adjourn sine die.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following report was submitted:

MR. SPEAKER:

Your Committee on Public Health have the honor to report that they have considered

Council Bill No. 70,

A bill for an act to amend chapter 63 of the Session Laws of 1885, entitled "An act establishing Territorial and County Boards of Health, and providing for the protection of the health of persons and animals,"

And recommend that the same do not pass.

D. W. ENSIGN,
Chairman.

Mr. Green moved

That the Public Printer be authorized to send to the address of each member of the legislature as soon after adjournment as possible, a correct list of titles of all bills approved by the Governor and becoming laws,

Which motion prevailed.

Mr. Sullivan moved

That the further consideration of Council Bill No. 70 be indefinitely postponed,

Which motion prevailed.

Mr. Williams of Burleigh, moved

That a special committee of five be appointed to wait upon his Excellency the Governor and ascertain if he has any further communications to make to the House.

Which motion prevailed.

The Speaker appointed as such committee Messrs. Williams of Burleigh, Mentzer, Stewart of Walsh, Dodds and Harkins.

House Bill No. 57,

A bill for an act to locate and establish a soldiers' home at Hot Springs, Dakota,

Coming up for consideration at this time, and

The question being, shall the bill pass, the governor's objections to the contrary, notwithstanding, and

The roll being called there were ayes, 32; nays, 11; not voting, 5.

Those who voted in the affirmative were:

Messrs. Aikens, Berry, Bidlake, Dutch, Elliott, Ely, Ensign, Fellows, Gilbert, Glendenning, Greene, Harkins, Hawk, Hobart, Hubbard, Jones, McDonell, Miltimore, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Shook, -Sprague, Stewart of Fall River, Ward, White, Williams of Burleigh, Wise, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Burnham, Cook, Cooper, Fletcher, Mallory, Mentzer, Moore, Morris, Sullivan. Terrill, Williams of Grant.

Absent and not voting:

Messrs. Adams, Dodds, Schnaidt, Stewart of Walsh, Wolzmuth.

So the bill passed,

The governor's objections to the contrary notwithstanding.

House Bill No. 42,

A bill for an act authorizing the division of counties, and for other purposes,

Coming up for consideration at this time, and

The question being shall the bill pass, the Governor's objections to the contrary notwithstanding, and

The roll being called there were ayes, 35; nays, 4; not voting, 9.

Those who voted in the affirmative were:

Messrs.Adams, Aikens, Berry, Bidlake, Burnham, Cooper, Dutch, Elliott, Fellows, Fletcher, Glendenning, Harkins, Hawk, Hobart, Hubbard, Jones, Miltimore, Morris, Patton of Lawrence, Patten of Miner, Pruitt, Royer, Ruggles, Schnaidt, Shook, Sprague, Stewart of Fall River, Sullivan, Terrill, Ward, White, Williams of Grant, Williams of Burleigh, Wyman, Mr. Speaker.

Those who voted in the negative were:

Messrs. Gilbert, Greene, McDonell, Moore.

Absent and not voting:

Messrs. Cook, Dodds, Ely, Ensign, Mallory, Mentzer, Stewart of Walsh, Wise, Wolzmuth.

So the bill passed, the Governor's objections to the contrary notwithstanding.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I am instructed to return to the House of Representatives

House Bill No. 57,

A bill for an act providing for the locating, establishing and building a Soldier's Home, and providing funds therefor,

With the message of the House, reminding your body that no copy of the objections of his Excellency to that enactment have been furnished to the Council.

Very respectfully

T. A. KINGSBURY,

Chief Clerk.

EXECUTIVE COMMUNICATION.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,
March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bills, viz:

House Bill No. 304,

An act authorizing the territorial treasurer to purchase a time-lock safe for use of the office of territorial treasurer.

House Bill No. 187,

An act to amend section 112 of the Justices' Code of the Territory of Dakota.

House Bill No. 178.

An act to amend section 655 of the Code of Civil Procedure.

House Bill No. 343,

An act to amend section 1 of chapter 106 of the General Laws of 1881.

House Bill No. 349.

An act to amend chapter 63 of the Session Laws of 1885, entitled "an act establishing territorial and county boards of health and providing for the protection of the health of persons and animals and for other puroses,

House Bill No. 118,

An act to secure in the Territory of Dakota, to honorably discharged soldiers and sailors who served in the army and navy of the United States during the late war, the rights and privileges guaranteed to them by sections 1754 and 1755 of the revised statutes of the United States, also section 3, chapter 287, laws of 1876.

House Bill No. 182,

An act to amend chapter 61 of the Sessions Law of 1881 relating to marks and brands,

House Bill No. 68,

An act for prevention of the wearing of G. A. R. badges when not entitled thereto.

House Bill No. 351,

A joint resolution to provide for the payment of mileage of joint committees.

House Bill No. 136,

An act in relation to the rendition of fugutives from justice.

House Bill No. 300,

An act to provide for the construction and maintenance of artesian wells in the Territory, and provide a mode of paying for the same.

Respectfully,
LOUIS K. CHURCH,
Governor.

The Speaker announced his signature to
House Bills Nos. 334, 296, 170, 164, 148, 133 and 132.

Also to
Council Bills Nos. 160, 327, 279, 167, 264 and 245.

The following reports were submitted:

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills have examined

House Bills Nos. 334, 164, 148, 133, 132, 170, 296 and 259.

And find the same correctly engrossed and enrolled.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that the hour of—m., of this day,

House Bills Nos. 182, 68, 118, 349, 136 and 342,

Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MR. SPEAKER:

The Committee on Engrossed and Enrolled Bills respectfully reports that at the hour of—m., of this day,

House Bill Nos. 334, 164, 148, 133, 132, 170, 296 and 259, Were delivered to his Excellency the Governor for his approval.

A. J. PRUITT,
Chairman.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I am obliged to report that it is impossible for the Council at this time to fully comply with the request of the House for the return of House Bills Nos. 2, 153 and 226, as the two first named are not in possession of the Council or to be found. No. 286 is herewith returned.

Very respectfully,
T. A. KINGSBURY,
Chief Clerk.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return an act of the Legislative Assembly known as

House Bill No. 57,

An act providing for locating, establishing and building of a soldiers home, and providing funds for the same,

And to inform your honorable body that the act has failed to pass the same over the veto of the Governor, and of

House Bill No. 42,

An act authorizing the division of counties and for other purposes,

Which has passed, the objections of his excellency the Governor to the contrary notwithstanding.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

The following resolution was presented:

Resolved, That J. A. Warnken be allowed $5 for every eight hours night work put in after the daily session as extra night work in enrolling and engrossing bills, his time to be certified by his sworn affidavit and the attest of the chairman of the Committee on Enrolled and Engrossed Bills.

The motion prevailed.

EXECUTIVE COMMUNICATION.

EXECUTIVE OFFICE,
BISMARCK, March 11, 1887.

To the Speaker of the House of Representatives:

I have the honor to inform the House that I have approved the following House Bill, viz:

House Bill No. 270,

An act to appropriate funds for certain purposes.

Respectfully,
LOUIS K. CHURCH,
Governor.

Council Bill No. 316,

A bill for an act making appropriations for traveling expenses of the board of railroad commissioners for two years,

Under suspension of the rules, was read the first, second and third times and placed upon its final passage.

The roll being called there were ayes, 20; nays, 11; not voting, 17.

Those who voted in the affirmative were:

Messrs. Adams, Burnham, Dodds, Ely, Fellows, Gilbert, Greene, Harkins, Jones, McDonell, Mentzer, Miltimore, Patten of Miner, Royer, Sprague, Stewart of Fall River, White, Wiliams of Burleigh, Wise, Mr. Speaker.

Those who voted in the negative were:

Messrs. Aikens, Berry, Bidlake, Cooper, Dutch, Glendenning, Hobart, Hubbard, Morris, Ruggles, Ward.

Absent and not voting:

Messrs. Cook, Elliott, Ensign, Fletcher, Hawk, Mallory, Moore, Patton of Lawrence, Pruitt, Schnaidt, Shook, Stewart of Walsh, Sullivan, Terrill, Williams of Grant, Wolzmuth, Wyman.

So the bill passed, and
Its title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER,
March 11, 1887.

MR. SPEAKER:

I have the honor to return herewith

House Bill No. 199,
Which has passed the Council unchanged.

Very Respectfully,
T. A. KINGSBURY,
Chief Clerk.

Mr. Willimas of Burleigh, moved
That the House do now adjourn, sine die,
Which motion prevailed and the House
Adjourned sine die.

W. G. EAKINS,
Chief Clerk.

INDEX.

BILLS OF THE HOUSE.

Number.	TITLE	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
1	To provide for the appointment of a public examiner	43	57	434 519 540	....	....	....	....
2	To amend an act to provide for a board of railroad commissioners	43	57	235	263 354 380 397	....	....	258,320,324
3	To extend the time when taxes of 1886 become delinquent	43	57	109	....	....	....	....
4	To amend section 13, chapter 9, of the General Laws of 1885	43	58	261 286	....	272 293	....	272
5	To procure Codes for the members of the House and Council	43	58	....	....	58	233	205, 280
6	To appropriate for the support of fire departments, etc.	54	65	181	....	188	....	194
7	To amend sections 29 and 31 of sub chapter 2 of chapter 32 of the Session Laws of 1885	55	65	152	....	228	482	571, 653
8	To amend section 2 of chapter 32 of Session Laws of 1885	55	65	286 466	....	315 701	....	315
9	Affecting the giving of mortgages upon ungrown crops	55	65	152	....	147	....	157, 173
10	Relating to pharmacy and the sale of poisons, etc.	55	66	731	....	....	....	....
11	To regulate the salary of county treasurers	55	66	....	....	....	....	....
12	Relating to revenue	55	66	338 517	....	343	....	377
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15	To amend chapter 78 of the General Laws of 1885	55	66	109	....	114	403	361, 362
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17	Relating to Code of Civil Procedure	56	66	166	....	218	....	....
18	Relating to an experimental station	62	78	....	....	....	....	....
19	Relating to an agricultural experimental station	62	78	452	....	872	....	453
20	Relating to marriages, etc.	62	78	383	....	....	....	....
21	To amend section 121, Code of Civil Procedure	63	78	131	....	137	....	....
22	Relating to the funding of the indebtedness of Nelson county, etc.	63	78	247	....	256	421	....
23	To prevent the spread of noxious weeds	63	78	336	....	....	....	....
24	To amend section 4, chapter 60 of the General Laws of 1881	63	78	338	....	343	....	....
25	Legalizing assessment of taxes, etc.	63	79	141	....	146	....	....
26	To amend section 1, chapter 26, General Laws of 1879	63	79	131	....	147	363	287, 290
27	Relating to taxes of 1886	63	79	109	....	....	....	....
28	Relating to taxes of 1886	77	87	....	106	88	133	....
29	To amend sections 27 and 43, chapter 28 of Political Code	77	88	98	....	127	240	209
30	Providing payment for assistant clerks of House	77	88	193	....	409	....	409
31	To repeal chapter 31 of Session Laws of 1881, etc.	77	89	110	....	115	204	179
32	To fill vacancies in the office of sheriff in any county	77	89	....	....	....	....	....
33	Giving lien for labor on grain, etc.	77	89	824	....	910	....	674
34	To compensate the owners of certain cattle killed in Oliver county, etc.	77	89	109	794 844 853	445	....	415,445,793.
35	Providing bounty for killing gophers	77	89	114	....	315	....	110,851,854

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
36	Printing Governor's Message, etc	78	89	182	....	....	....	....
37	Relating to insurance corporations	78	89	99	....	177	....	325, 176
38	Publishing legislative acts, etc	86	95	286	520 610 878	409 313	....	294,313,323
39	Exempting soldiers from road poll tax	86	95	....	....	....	....	....
40	Offering bounties for killing blackbirds	86	95	152	....	231	....	231
41	To amend sections 15 and 16, chapter 122, General Laws of 1881	86	95	166	....	175	388	317,325,335
42	Division of counties, etc	86	102	223	459	254	554	110,233,235 973, 976
43	To amend chapter 45, General Laws of 1885	86	102	166	....	174	....	....
44	To repeal chapter 122, General Laws of 1881	86	102	....	....	....	....	....
45	To amend section 62, chapter 28, Political Code, etc	87	102	516	166	....	....	....
46	Requiring county treasurers to register warrants without charge	87	102	411	....	443	....	....
47	To prevent drunkenness	87	103	574	....	587	....	....
48	Local option in sale of liquors	87 238	103 253	236	689 710 738	299	890	298,299,521
49	Relating to interest on money, and defining usury	87	103	451	....	616	....	....
50	Protesting against the removal of Fort Abraham Lincoln	93	103	121	....	124	....	....
51	To repeal section 680 and amend sections 681 and 682, Code of Civil Procedure	93	102	....	....	228	....	200
52	Relating to county agricultural societies	93	102	....	....	....	....	....
53	Relating to county commissioners, etc	94	103	352	....	....	....	357
54	To amend sections 6 and 11, chapter 70, General Laws of 1885	94	103	286	166	294	....	....
55	Empowering organized counties to issue and dispose of bonds, etc	94	103	152	157 554	217	....	185,193,548
56	To amend sections 46 and 66, chapter 44, Session Laws of 1883	94	103	205	....	219	363	....
57	Establishing Soldiers Home, etc	94	104	204	....	279	840	265,972,976
58	Relating to holding of elections, etc	94	113	908	220	964	....	....
59	Establishing Territorial University at Ordway, Dakota	94	113	396	....	478	756	479,633,674
60	Taxation of property of telegraph companies	95	113	337	....	343	605	343, 482
61	Relating to waterworks, etc	95	113	....	....	....	....	....
62	Relating to the Devils Lake Indian reservation	99	99	....	....	99	....	179
63	For improvement of Yollowstone National Park	99	114	150	....	188	....	188
64	Relating to open wells and excavations	100	114	224	....	....	....	....
65	To amend section 7, chapter 21, Political Code	100	114	181	230	230	....	183, 224
66	To amend and re-enact section 2042, Civil Code	100	114	131	....	148	240	226
67	Distribution of cars to shippers, by railroad companies	111	123	572	....	....	....	164, 704
68	To prevent wearing G. A. R. badges unlawfully	111	123	204	....	218	975	181
69	To amend section 10, chapter 49, of Laws of 1885	111	123	....	....	...	....	....
70	To amend sections 48 and 67, chapter 34, General Laws of 1883	111	123	....	....	....	....	....
71	Relating to contagious and infectious diseases among domestic animals	111	136	274	....	408	....	345, 353
72	Relating to sale of intoxicating liquors	112	136	153	....	158	890	....
73	To punish assaults with intent to commit rape	122	136	....	....	....	....	....
74	To amend subdivision 320, chapter 26, Penal Code	122	136	141	....	148	252	226
75	To amend chapter 140, Session Laws of 1885	122	136	192	....	....	....	....
76	To amend section 9, chapter 126, Session Laws of 1885	122	136	141	....	408	....	353
77	Relating to collection and compilation of statistics	122	136	153 322	952	330 588	....	288,339,378
78	To establish and define the boundaries of Morton Co.	122	136	166	....	174	403	....
79	Repealing chapter 99, General Laws of 1883	128	137	353	903	....	....	357,405,407
80	To require county treasurers to deposit county funds, etc.	128	144	466	....	479	....	....
81	Relating to the U. S. circuit court for the Second Judicial District	134	144	164	175	175	....	176, 521
82	To change date of general elections in civil townships	134	145	414	....	....	....	....
83	To regulate the time when taxes shall become due, etc.	134	145	516	....	869	....	....
84	To require county commissioners to give bond	134	145	192	....	....	....	....
85	To amend section 1, chapter 66, Session Laws of 1883	134	145	152	157	....	....	....
86	To define the boundaries of Stark and Billings counties	134	145	152 287	157	312 529	....	323,520,529

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
87	Relating to hotels, etc	134	145	152	157	....	....	....
88	Relating to taxes of 1886	139	139	....	....	139	177	....
89	Relating to survivors of honorably discharged soldiers	142	171	204	....	317	....	317
90	To amend sections 3 and 4, Session Laws of 1883	142	171	286	....	....	....	....
91	To amend section 323, Code of Civil Procedure, etc	142	171	181	....	317	....	183, 317
92	To prescribe duties and regulating salaries of registers of deeds	143	146	....	....	....	....	....
93	Memorial relating to Red Lake Indians in Minnesota	143	171	....	....	....	....	....
94	To repeal section 427, chapter 37, Penal Code	143	171	181	....	189	379	....
95	Relating to horticulture and forestry	143	171	385	....	421	....	262
96	Establishment of Soldiers Home, etc	143	172	205	....	317	....	317
97	To amend section 2, chapter 35, Political Code	143	172	574	....	585	....	181
98	To increase powers of county commissioners	153	172	192	....	255	....	....
99	To amend section 54, chapter 28, Political Code	153	172	516	....	637	....	....
100	For holding an annual territorial fair	154	172	....	....	....	....	....
101	Relating to county warrants	154	172	192	....	....	....	....
102	To encourage voting	154	172	414	....	444	....	444
103	Joint committees to visit public institutions	154	....	....	....	....	....	....
104	For the cancellation of county warrants	154	172	192	....	863	956	....
105	Limiting salaries of county officials	154	172	824 838 385	....	421	....	421
106	To facilitate making proof in actions, etc	154	173	205	....	....	....	350
107	Relating to divorces, etc	168	187	205	....	....	....	....
108	Relating to the office of notary public	168	187	539	....	702	889	....
109	Authorizing county commissioners to compromise delinquent taxes	168	187	338	....	344	....	....
110	To amend section 1, chapter 85, Session Laws of 1883	168	187	....	....	....	....	....
111	To assess and tax railroads and railroad property, etc	168	187	518 578	....	871	....	188
112	Relating to insurance policies	184	197	286	....	295	....	581
113	Limiting the time in which to introduce bills, etc	184	197	772	....	....	....	....
114	To amend chapter 112, General Laws of Dakota, for 1883	184	197	220	....	....	....	....
115	To regulate salaries of county officers	184	197	....	....	....	....	....
116	To amend section 7, chapter 63, General Laws of 1885	184	197	413	...	703	....	....
117	Providing for the printing of Long's Legislative Hand Book	185	....	193	....	219	363	185, 200
118	Relating to honorably discharged soldiers	185	197	210	....	230	974	....
119	Relating to fees for filing by registers of deeds	185	198	223	....	230	....	230
120	To prevent the spread of contagious diseases among live stock	185	215	731	....	....	....	....
121	Relating to fees of justices of the peace, etc	195	215	248	....	255	....	255
122	Limiting terms of office in certain county offices	195	216	261	....	314	....	....
123	Relating to railroads, etc	195	216	....	....	....	....	....
124	To amend section 1, chapter 15, Special Laws of 1883	195	216	286 383	....	422 623	....	422
125	To prevent trespass by hunters, etc	196	216	383	....	422	....	422
126	To amend sectiou 31, sub. chapter 2, chapter 112, General Laws of 1883	196	216	....	....	703	....	....
127	To amend section 11, chapter 112, General Laws of 1883	196	216	248	....	256	....	256
128	Relating to school districts in counties of Barnes and Griggs, etc	196	216	412	....	444 460	925	444
129	Repeal of chapter 122, Session Laws of 1881	196	216	....	....	....	....	....
130	Relating to the duties of county attorneys	206	217	224	....	229	....	229
131	To amend article 7, chapter 12, Code of Civil Procedure	206	217	224	....	229	....	....
132	Relating to duties of county auditors	206	217	510	....	533	....	....
133	To amend section 1, chapter 145, Session Laws of 1885	206	217	337	....	344	....	....
134	To repeal section 66, chapter 29, Political Code	206	217	224	....	230	....	231
135	To amend section 77, chapter 112, Laws of 1883	211	227	247	....	282	505	....
136	Relating to the rendition of fugitives from justice	211	228	247	....	255	975	....
137	Relating to dental surgery	226	240	413	....	617	....	618, 858, 866
138	To amend sections 73 and 74, chapter 28, Political Code	226	240	492	....	503	....	....
139	Relating to the counties of Pusho, Pratt, Meyer, Tripp, Gregory, Lyman, etc	226	240	434	....	445	....	446
140	To prevent swindling	226	241	261	....	272	....	273
141	For maintenance Spearfish Normal School, etc	227	241	321 435	....	476	832	241, 397, 423
142	Relating to the location of alleys in towns and cities	227	241	538	241	546	956	231, 232, 235

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
143	To amend section 1, chapter 85, General Laws of 1883	227	241	261	....	273	....	273
144	Memorial relating to public school lands	227	241	261	....	283	....	....
145	Relating to capital commission, etc	238 695	253 695	434	943	787	970	472,544,933
146	For University of North Dakota, at Grand Forks, etc	238	254	....	....	312	791	....
147	To provide seed grain for those whose crops were destroyed in 1886	239	254	347	941	369 422	....	239,370,380
148	To amend section 2, chapter 77, General Laws of 1881	249	271	....	....	283	....	....
149	Defining boundaries of Nelson county	249	271	287	....	295	....	....
150	Relating to agricultural societies, fairs, etc	249	271	384	....	608	955	453, 607
151	Relating to compensation for district attorneys, etc	249	272	517	....	533	....	....
152	To amend section 677, Code of Civil Procedure	249	272	352 491	....	705	....	472, 704
153	Relating to railroad corporations, etc	250	272	653	....	786	....	352
154	To repeal article 1, chapter 11, and sections 721 and 733, section inclusive, chapter 35, Code of Civil Procedure	250	272	466	....	705	....	....
155	To amend chapter 24, Political Code	250	329	734	....	....	....	....
156	To prohibit the manufacture and sale of intoxicating liquors	250	272	....	....	....	....	....
157	To pay for chairs for use of ladies visiting the capitol	250	....	....	....	257	....	921
158	To amend section 2, chapter 57, Session Laws of 1883	267	278	320	....	331	....	....
159	Creating and defining the boundaries of the counties of Pierce and Church	267 648	278 648	385 539 631	....	648	970	539, 648
160	To amend section 3, chapter 26, General Laws of 1879	267	278	....	....	436	956	436
161	To provide for foreclosure of mortgages, etc	268	278	....	....	315	....	323
162	For the relief of Louisa H. Paterson	268	278	494	....	707	....	....
163	Relating to pleuro-pneumonia among cattle, etc	268	292	322 831	....	331	....	....
164	For the improvement of the Big Sioux river	268	292	322	....	332	....	....
165	To appropriate money to reimburse J. W. Taylor, drum major, etc	268 790	293 790	793	....	790	970	....
166	For the payment of criminal prosecutions, etc	277	293	383	....	615	....	....
167	To amend section 409, Civil Code	277	293	....	....	....	....	....
168	To amend section 290, chapter 21, Penal Cod	277	293	....	....	313	....	....
169	To locate and establish North Dakota Agricultural College, etc	277	293	490	....	531	....	508
170	To amend chapter 112, General Laws of 1883	277	293	653	....	860	....	....
171	Legalizing election held in Sioux Falls, etc	288	289	296	....	294	403	296
172	To define the boundaries of Ward and Renville counties	289	310	352	....	368	890	693, 710
173	To prohibit the destruction of beavers in Dakota	289	311	453	....	456 619	957	....
174	To amend section 592, Code of Criminal Procedure	289	311	352	....	369	....	....
175	Relating to owners of lands platted for town sites, etc.	289	311	7	....	....	....	....
176	To amend section 47, chapter 27, Political Code	289	311	....	....	....	....	310
177	Relating to board of railroad commissioners, etc	289	311	679	....	902	....	342
178	To amend section 655 Cdoe of Civil Procedure	289	311	539	....	546	974	365
179	Payment of John P. Hoagland for repairing hall of House, etc	290	290	....	....	290	956	....
180	Relating to agricultural societies, etc	297	311	452	....	707	....	....
181	Memorial relating to agricultural fairs, etc	297	311	....	....	....	....	....
182	To amend chapter 61, Session Laws of 1881	297	312	378	....	....	975	....
183	Making appropriation for maintenauce of penitentiary at Sioux Falls, etc	303	329	743	....	442 762	957	....
184	To repeal chapter 126, General Laws of 1885	304	329	654	....	....	....	....
185	For payment of jury fees in civil actions, etc	304	329	335	....	345	....	....
186	Relating to vacating town plats	304	329	434	....	501	890	454
187	To repeal chapter 85, Laws of 1885	304	329	352 574	....	477	974	....
188	To repeal chapter 66, General Laws of 1885	304	329	337	....	345 707	....	....
189	To amend chapter 140, Session Laws of 1885	304	329	335	483 741 749	503	....	336,376,453

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
190	Relating to circulating and vending of obscene literature, etc.	304	330	378	....	547	....	545
191	Appropriating funds for the School of Deaf Mutes, at Sioux Falls	307	330	493	....	708	....	....
192	Relating to county funds; etc.	307	330	517	....	530	....	....
193	Relating to insane asylums and penal institutions, etc.	308	308	....	....	308	367	....
194	To amend sections 1 and 15, chapter 41, laws 1881	326	367	434 654	....	708	....	....
195	Relating to territorial department of agriculture, etc.	326	367	....	....	....	....	....
196	Relating to the manufacturing and restraint of the sale of intoxicating liquors, etc.	330	367	386	....	....	....	....
197	Relating to agricultural college at Brookings, D. T., etc.	339	368	414	....	459	832	....
198	To amend charter of Groton collegiate institute	339	368	378	....	442	....	....
199	Relating to attorney's fees in cases of foreclosure of chattel mortgages	340	368	466	....	709	....	....
200	To repeal section 14 relating to Mayville, Dakota, and passed in 1885	340	368	433	....	458	678	454, 457
201	Relating to the establishment of free libraries, etc.	340	368	378	....	534	890	818
202	Relating to infectious diseases among domestic animals	346	392	731	....	....	....	....
203	To amend sections part 2, chapter 13, Code Civil Procedure	363	392	434	....	445	....	445
204	Relating to assessment and appraisement of railroad property, etc.	363	392	395 626	....	....	....	399
205	Relating to hogs infected with swine plague or hog cholera, etc.	363	392	731	....	....	....	....
206	To prevent negotiating loans beyond legal rate of interest, etc.	363	392	434	....	....	....	....
207	Relating to attorney's fees, etc.	364	393	434	....	....	....	....
208	Providing form of docket for justices of the peace, etc.	364	393	492	....	503	....	503
209	Declaring dogs to be personal property, etc.	364	393	395	....	443 548	....	443, 545
210	Forfeiture of principal and interest in cases of usury	364	393	....	....	....	....	....
211	Legalizing an election held in the city of Spearfish, etc.	388	403	538	....	709	890	....
212	Fixing compensation of committee on stock brands and marks	388	403	411	....	444	....	....
213	Compensating E. H. Bly for rent of room for committees of House	388	....	....	....	398	....	....
214	To repeal sections 359 and 360, Code of Civil Procedure	390	404	....	....	....	....	....
215	Relating to insurance companies in connection with applications, etc.	390	404	777	....	784	955	....
216	Appropriating funds for the University of Dakota, etc.	390	404	414	....	477	832	478,674,688
217	To amend section 12, chapter 112, General Laws of the Fifteenth Legislative Assembly	390	404	493	....	501	....	514
218	Relating to board of inspectors for steam vessels, steam boilers, etc	390	404	510	....	534	....	534
219	To amend section 11, chapter 23, Political Code	391	404	451	....	711	....	....
220	To amend section 10, chapter 26, General Laws 1879	391	404	574	....	....	....	....
221	Relating to vicious dogs, etc.	391	405	435	....	....	....	....
222	Relating to road supervisors as to compensation, etc.	391	405	493 732 745	....	760	....	....
223	Establish joint school district in counties of Deuel and Hamlin	391	405	654	....	712	....	....
224	To amend subdivisions 1 and 2, section 5, chapter 84, General Laws 1881	399	442	466	....	479	964	....
225	Relating to meetings and duties of township supervisors, etc.	399	430	493	....	712	957	922, 923
226	To amend section 2, chapter 26, Political Code	399	430	492	....	502	889	....
227	To amend section 70, chapter 28, Political Code	399	430	422	....	500	889	....
228	Legalize acts of board of county commissioners of McHenry county	399	430	451	....	456	....	....
229	To allow magistrates to require security for costs in certain cases	400	430	....	....	....	....	....
230	Providing that justice of the peace bonds shall be filed with clerk of court	400	431	....	....	....	....	....
231	To enforce the payment of fines and costs, etc.	400	431	....	....	....	....	....

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
232	To regulate the assessment and collection of poll tax	400	431	601	....	606	....	831
233	To amend section 2, chapter 72, General Laws 1883	430	442	492	....	502	....	....
234	To amend section 13, chapter 35, Political Code	430	442	492 574	....	586	....	....
235	Authorizing organized counties to build county buildings, etc	437	474	517	....	534	....	885, 887
236	To regulate telephones	437	474	579	....	535	....	....
237	To amend chapter 113, General Laws 1881	437	474	574	....	591	....	....
238	Relating to the Dakota Brokerage and Investment company of Sioux Falls	437	474	492	....	500	....	511
239	Relating to the relocation of county seats, etc	437	460	721	....	478 722	....	437,671,738
240	Resolution declaring in favor of division and admission, etc	437	456	662	....	712 717	....	714, 717
241	Relating to the Normal School building at Madison, Dakota, etc	438	456	494	705 629	552 735	890	508,619,628
242	Authoriizng railroad companies to appoint police officers, etc	438	406	492	....	714	....	714
243	Appropriate money to reimburse John Nagle	438	474	601	....	606	....	607
244	To establish a territorial board of corrections, etc	446	474	573	....	589	....	590
245	Relating to water works, telegraphic fire signals, etc	446	475	492	....	507	....	692
246	Prescribing the manner of giving notice of annual and general elections	454	475	908	....	....	....	965
247	Authorizing township treasurers to collect taxes	454	475	....	....	....	....	....
248	For the protection of game	454	475	510	....	618	964	619,912,917
249	Relating to the playing of games of chance where intoxicating liquors, etc., are sold	454	475	574	....	592	....	....
250	Repeal chapter 63, General Laws 1885	454	475	....	....	....	....	....
251	Relating to the establishment of village school districts	454	475	655	....	....	....	....
252	Relating to the North Dakota Insane Hospital, etc	454	475	659	845	774	956	773,775,831
253	Relating to the registration of cattle and other animals, etc	455	476	491	....	504	925	864, 867
254	To provide for compilation, publication and distribution of the laws, etc	473	498	....	....	536	897	870 871
255	Relating to towns, cities, etc	473	498	571	....	....	967	....
256	To amend chapter 99, General Laws 1883	473	498	518	....	536 861	....	....
257	Relating to the Insane Asylum at Yankton, Dakota, etc.	473	498	658	854 922	774	956	773,775,852
258	Relating to duties of county commissioners, etc	473	499	518	....	....	....	....
259	Relating to Third Judicial District	474	499	932	....	933	....	....
260	To provide for a commission to visit charitable, penal and educational institutions, etc	495	527	....	....	....	....	....
261	Recalling House Bill No. 135 from the Governor	495	....	....	....	....	....	495
262	To amend section 2642 of title 3, part 2, Civil Code	496	527	....	....	....	....	....
263	Condemnation of land adjoining side tracks of railroads, etc	496	527	577	....	....	....	....
264	For division of Morton county	496	527	...	....	....	....	....
265	Amending an act establishing university at Grand Forks, Dakota	496	527	654	....	715	....	....
266	To amend section 1, chapter 126, General Laws of 1885	497	527	....	....	....	....	....
267	To provide seed grain for sufferers from hail, etc., during the year 1886	497	528	574	....	593 702	....	832,843,849
268	To provide for the consolidation of townships	497	528	....	....	....	....	....
269	For a joint committee of five on apportionment	497	....	....	....	....	....	497
270	To appropriate funds for certain purposes	505	528	779	....	790	977	....
271	For relief of C. S. Weaver, etc	511	528	....	....	....	....	....
272	To amend sections 10 and 11, chapter 68, General Laws of 1885	511	528	576	....	594	....	856, 867
273	Memorial to Congress relating to the improvement of the Red river, etc	522	584	662	....	715	....	....
274	To provide funds for the maintenance of the University of Dakota	522	544	743	....	758	957	....
275	To amend section 16, chapter 38, General Laws of 1883	522	544	576 654	....	716	....	....

Bills of the House—*Continued.*

Number.	TITLE	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
276	To authorize cities, towns and villages to levy and collect taxes, etc	522	544	571	....	716	956	906, 907
277	To amend section 45, chapter 21, Political Code	522	544	573	....	587	956	....
278	Legalizing the acts of A. L. Bain as notary public, etc.	522	545	576	....	590	925	....
279	To amend section 2, chapter 28, Political Code	523	545	601	....	604	....	....
280	Regulating the election of county and township assessors	523	545	....	....	....	....	....
281	To legalize the acts of Allen M. Chaney as notary public	523	545	....	....	590	964	....
282	To amend section 726, Penal Code	523	545	574	....	862	....	....
283	To provide funds for the maintenance of School of Deaf Mutes, at Sioux Falls	523	545	....	....	....	....	....
284	Making appropriations for current and contingent expenses of Normal School at Spearfish	523	545	742	....	762 924	956	811
285	To amend section 17, chapter 39, Code of Civil Procedure	523	545	....	....	....	....	....
286	To regulate duties of railroad corporations, etc	523	584	725	....	789	....	....
287	To amend section 77, sub chapter 1 of chapter 112, General Laws of 1883	523	....	....	....	....	....	524
288	Appropriating funds for maintenance of University of North Dakota	524	....	742	851	760	957	818,844,846
289	To legalize assessment rolls	528	585	600	....	605	....	....
290	Relating to the levy and collection of taxes upon railroad property	528	585	....	....	....	....	....
291	To amend section 6, relating to the establishment of a board of railroad commissioners	528	553	....	....	....	....	....
292	Appropriating funds for the territorial penitentiary at Bismarck	529	554	743	....	....	....	905
293	To provide funds for the improvement of the Dakota penitentiary at Bismarck	529	554	677	....	....	....	905
294	Relating to the inspection of public buildings of the Territory of Dakota	529	585	778	....	783	....	....
295	To amend chapter 30, Political Code	529	637	655	....	749	925	796
296	To amend section 73, chapter 28, Political Code	541	....	824	....	867	....	966
297	To amend sections 1, 2 and 6, chapter 126, Laws of 1885, and chapter 66, Laws of 1885	541	637	687	....	....	....	636
298	To provide for purchase of books for Territorial Library	541 934	934	601	....	603 934	....	541,933,934
299	Authorizing municipal corporations to lay out, open streets, alleys, etc	541	585	600	....	606	890	....
300	Relating to the construction and management of artesian wells, etc	542	701	771	....	782	975	864
301	Relating to infectious and contagious diseases among domestic animals	542	....	...	....	....	925	858
302	To prevent the spread of contagious diseases among sheep	543	....	....	....	596	956	....
303	Relating to duties of probate courts, etc	543	585	627	....	637	791	637
304	Authorizing Territorial Treasurer to purchase time lock safes, etc	554	585	....	....	861	974	770
305	Regulating the salaries of county treasurers and registers of deeds	580	580	....	....	622	957	579
306	Regulating the salaries of county treasurers and registers of deeds	580	580	....	....	....	....	579
307	For the relief of G. W. Vanderbule and H. J. Southwick, etc	580	580	653 825	....	....	....	917
308	Memorial from county commissioners of Roberts Co.	580	580	....	....	....	....	....
309	To regulate rates of fare upon all railroads operating in Dakota Territory, etc	581	581	....	....	....	....	....
310	Relating to assistant clerks of House and Council, etc.	581	581	....	....	....	....	....
311	To provide for insurance of crops against loss by hail, etc	602	669	....	....	....	....	....
312	To amend section 1, chapter 41, General Laws of 1883	602	669	823	....	868	....	....
313	To amend section 33, chapter 28, Revised Code of 1877	602	669	782	....	790	....	....
314	To amend section 57, chapter 2, Political Code	615	669	....	....	....	....	....
315	Relating to abstractors and others making abstracts of title to real estate, etc	615	669	729	....	761	....	906, 907
316	Appropriate money for printing reports of adjutant-general, etc	615	670	....	....	....	....	....

Bills of the House—*Continued.*

Number.	TITLE.	Introduction and first reading.	2d Reading and reference.	Reported back from Com.	Miscellaneous.	3d Reading and passage.	Governor's approval.	Other Mention.
317	Relating to the inspection, weighing and handling of grain, etc	635	635	....	....	....	....	....
318	Authorizing the closing of barber shops on Sunday	635	635	727	....	759	....	....
319	Relating to the qualification of township and county officers	635	635	826	....	....	....	909
320	Memorial requesting continuance of surveys in Devils Lake land district	635	635	727	....	761	....	....
321	For payment of William Cober for hack hire during call of the house	635	635	....	....	638	....	....
322	Relating to the Turtle mountain band of Chippewa Indians, etc	638	....	....	....	670	....	....
323	Appropriating funds for the maintenance of the Normal school at Madison, etc	638	....	743	....	763	957	....818 846
324	To legalize collection of taxes of 1885 and 1886, etc	665	....	809	....	809	....	....
325	Compensating the clerks and other subordinate officers of the Council and House	665	....	....	....	....	....	....
326	Resolution recalling House Bill No. 239 from the Governor	666	....	....	....	667	....	....
327	Appropriation for the University of Dakota at Vermillion, etc	695	695	....	....	718	956	....
328	Appropriation for the University of North Dakota at Grand Forks, etc	695	695	....	....	718	....	....
329	To amend chapter 79, General Laws Sixteenth legislative assembly	695	695	....	....	....	....	....
330	To amend chapter 78, General Laws Sixteenth legislative assembly	695	695	....	....	....	....	....
331	Defining qualifications of teachers, etc., in the educational institutions of this territory	695	695	738	....	759	....	759
332	Appropriate money to pay Chas. W. Thompson, etc	695	695	727 867	....	....	....	....912 913
333	For relief of Myron W. Howe	696	696	....	....	....	....	....
334	To change place of county seats	696	696	873	....	873	....	....
335	Appropriating money to pay deficiency in account of Railroad Commissioners	696	696	778	....	786	957	....
336	To provide funds for the pentitentiary at Sioux Falls, etc	696	696	779	....	783	957	....
337	Appropriation to pay for printing reports of territorial officers 1885 and 1886	699	699	778	....	785	925	....
338	Resolution recalling House Bill No. 241 from the Governor	706	....	....	....	706	....	....
339	Relating to the report of the Railroad Commissioners	704	704	....	....	....	....	....
340	To amend section 677, code of Civil Procedure	714	714	....	....	...	....	....
341	Resolution recalling House Bill No. 303 from the Governor	746	....	....	....	758	....	746
342	To establish a public school law for Dakota Territory	746	746 910	782	....	789 910	....	....
343	To amend section 1, chapter 106, Session Laws 1881	746	746	....	....	867	974	....
444	Providing for certain legal printing and fixing compensation, etc	746	746	....	....	....	....	....
345	Providing payment for A. Cheatham and John Ostland, hack hire, etc	771	771	....	....	863	957	....
346	To amend section 1, chapter 99, Session Laws 1883	771	771	....	....	904	....	....
347	Relating to foreign corporations	772	772	922	....	....	....	....
348	To give incorporated cities exclusive control of liquor traffic, etc	809	809	....	....	....	....	....
349	To amend chapter 63, Session Laws 1885	826	826	894	....	894	974	....
350	Compensating the clerks and other subordinate officers of the house, etc	826	826	....	....	....	....	....
351	To provide for payment of mileage for joint committees,	897	898	....	....	898	975	....
352	Joint resolution recalling House Bill No. 284 from the Governor	902	902	....	....	902	....	....
353	To provide for the location of county seats, etc	929	929	....	....	929	967	....
354	To amend section 38, chapter 28, Political Code	929	929	....	....	932	....	....
355	To amend chapter 99, General Laws 1883	967	967	....	....	967	....	....
356	....	....	....	....	....	....	....	....
357	....	....	....	....	....	....	....	....
358	....	....	....	....	....	....	....	....
359	....	....	....	....	....	....	....	....
360	....	....	....	....	....	....	....	....

INDEX.

COUNCIL BILLS IN THE HOUSE.

Number.	TITLE.	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
1		....	....	....	....	....	....	....
2	To regulate the inspection, weighing and handling of grain, etc	691	697	697	728 874	....	875	....
3	Relating to taxation, etc	324	327	341	....	....	....	608, 634
4	Relating to the listing, levying and collection of taxes	581	582	582	....	....	....	965
5	Relating to public printing	129	134	144	193	....	207	....
6		....	....	....	....	....	....	....
7	To create the office of public examiner, and dividing the Territory into two districts	739	747	747	727	....	755	869
8		....	....	....	....	....	....	....
9	To amend chapter 40 of Special Laws of Fifteenth General Assembly	86	89	95	164	663 730 665	198	226,323,453 968
10	Repealing sections 12 to 18 inclusive, chapter 20, Special Laws of 1885	109	112	122	181	....	....	183, 232
11		....	....	....	....	....	....	....
12	Relating to Sioux reservation	44	44	54	....	....	54	....
13	To legalize an election held in the city of Sioux Falls	142	143	154	166	..	169 281	263
14		....	....	....	....	....	....	....
15	Relating to Dakota experimental farm and forestry institution, etc	740	748	748	825	....	838 877	....
16	Relating to soldiers, sailors, marines and their families	239	240	251	675	....	....	....
17	Relating to bonds of county and territorial officials	324	327	341	395	....	400	....
18		....	....	....	....	....	....	....
19	Relating to marriages and the registration thereof	167	168	186	384	....	531	629
20	Relating to the practibe of pharmacy, etc	548	697	697	731	....	812	823
21	To legalize the acts of Henry Krogh as notary public	129	135	144	166	....	170	....
22	Fixing the time when taxes of 1886 become delinquent	76	80	91	110	....	....	....
23		....	....	....	....	....	....	....
24	To amend section 3 of chapter 94, Session Laws of 1883	76	79	89	131	....	138	....
25	Attaching the counties of Stanley, Sterling and Nowlin to Hughes for judiciary purposes	76	79	90	110 205	....	115	....
26		....	....	....		....	....	....
27	To amend section 610, Code of Civil Procedure	77	79	90	98	....	100	....
28	Relating to fire departments, etc	120	122	135	337	....	327	....
29	Relating to larcenies of live stock	76	79	90	....	....	....	....
30		....	....	....	....	....	....	....
31		....	....	....	....	....	....	....
32	Relating to the passage of special laws in the territories of the United States	76	79	90	....	....	90	....
33	Relating to assistant clerks, etc	97	97	98	....	....	98	....
34	To define incompatability of officers within the Territory of Dakota	142	144	155	166	170	....	203, 208
35		....	....	....	....	....	....	....
36	Relating to land titles	108	112	123	....	....	....	....
37	To amend section 615, chapter 28, Code of Civil Procedure	794	806	806	824	....	839	....
38		....	....	....	....	....	....	....
39	To provide for the foreclosure of real estate mortgages	847	828	828	....	....	961	....
40	Relating to registration and payment of warrants drawn by secretary of board of education, etc	109	112	118	....	....	118	....
41	To amend section 384, chapter 3, Civil Code	129	135	144	205	....	212	....

Council Bills in the House—*Continued.*

Number.	TITLE.	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
42								
43								
44								
45								
46	Relating to coupons of bonds lost or destroyed, etc	248	250	268	285		328	
47	Relating to duties of county treasurers	201	206	212	287		310	
48								
49	Relating to waterworks, etc	326	327	365				365
50	To amend section 677, Code of Civil Procedure	109	112	123	351		667	365
51	To amend section 1, chapter 117, Laws of 1885	167	168	186	204		213	
52	Relating to the burial of soldiers, etc	167	169	186	204		214	
53	Providing fuel for capitol	106			130		135	
54								
55								
56	Relating to preliminary examinations of persons charged with crime	167	169	186				
57								
58	To amend section 29, chapter 21, etc	167	169	186	627 729		751	399, 810
59	To amend chapter 79, General Laws of Sixteenth Legislative Assembly	812	826	826	885			888
60								
61								
62								
63	Providing for, locating, establishing and building a soldiers home, etc	665	666	666	675			
64								
65								
66								
67	Authorizing cities to refund bonded indebtedness, etc	178	185	196	411		616	
68								
69	To amend section 203, Code Civil Procedure	167	169	187	335		365	419
70	To amend chapter 63, Session Laws 1885	847	828	828	972			
71								
72	To prohibit sale of intoxicating liquors, etc	740						
73								
74	Creating the office of county auditor, etc	288	292	305	538		623	610
75	To amend chapter 23, Session Laws 1881	151	154	169	434		891	
76	To amend sections 266 and 268, chapter 12, Code Civil Procedure	179	186	196	204		214	
77								
78	To provide for inspection of illuminating oils and gasolene, etc	387	391	400	575		893	893
79	Relating to the failure of officers to make reports, etc	179	186	197	435		438	
80	To amend section 13, chapter 39, Political Code	851	881	881				
81	Relating to the organization of civil townships	168	169	187	204		213	
82								
83								
84								
85	Repeal chapter 105, laws 1883, Code Civil Procedure	179	186	197	204	214		
86								
87								
88								
89								
90	For printing bills, etc., for the Seventeenth Legislative Assembly	156	156	156			156	
91	To amend sections 1, 2, 3, 4 and 9, chapter 72, Fifteenth Legislative Assembly	742	772	772	824		836	
92	To amend section 67, Civil Code	202	206	212	260		269	
93								
94	To amend section 1, chapter 17, Political Code	202	206	212				
95	Relating to county auditors	202	206	212			242	236
96	To legalize the acts of Max Hoehn as notary public	210	211	227	261		270	
97	Committee to confer with Montana authorities, etc	155	155	155			155	
98	Appropriating money to pay expenses of territorial militia, etc	326	327	341	397		401	
99	To provide for collection of city taxes, etc	794	805	805			953	
100	To establish a home for disabled soldiers, etc	664	666	666	675			737
101								

Council Bills in the House—*Continued.*

Number.	TITLE.	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
102	To protect game birds	499	524					521
103	To repeal an act to amend the charter of the city of Elk Point, etc	692	697	697	900		900	
104	To amend section 38, chapter 28, Political Code	848	829	829	909 932		950	
105	To amend section 74, chapter 112, Session Laws 1883	248	250	269			342	342
106								
107	To remove the political disabilities of Henry Muchow	288	292	305	509		531 723	630 780
108								
109								
110								
111	To prevent the spread of noxious weeds, etc	288	292	305	452		455	
112	Relating to the issuance of bonds for school and other purposes by cities, etc	482	498	525	538		543	
113	Relating to the division of the Territory of Dakota, etc.	740	772	772	824		884	
114								
115								
116								
117	Authorizing incorporated cities to maintain public libraries, etc	580	582	582	654			
118								
119	Relating to seed grain bought on credit, etc	324	327	341	433 627		438 719	704 719
120	Compensation for enrolling and engrossing clerks and clerk of judiciary committee	249	251	269	353		366	
121	To provide for the incorporation of cities, etc	580	582	582	733		748	
122								
123	To repeal sections 397 and 405, Code of Civil Procedure	848	827	827			960	
124	Relating to fire escapes in public buildings	288	292	305	377		891	
125	To provide for certain legal printing and the compensation for same	548	602	675			700	
126	Relating to board of education, Huron, Dakota, etc	262	268	277	412		440	
127	To provide bounties for killing wild animals, etc	361	364	392	412			
128	To amend the name of Moravian society township 139, range 52	210	211	227	261		270	
129								
130	To fix the compensation of sheriffs in certain cases	249	251	269	433		439	
131	To amend chapter 140, Session Laws 1885, etc	739	746	746				
132								
133								
134	Relating to Commissioner of Immigration, etc	847	829	829	860		876	
135								
136	To amend articles 8 and 9, chapter 12, Code of Civil Procedure	848	829	829			959	
137	To amend chapter 70, Session Laws 1885	288	290	292	321			379
138	To provide for the purchase of Session Laws	202	207		262	353	207 271 366	210,278,279
139								
140								
141	For the relief of Frederick P. Benjamin, etc	794	805	805				
142	Relating to Hospital for the Insane, at Jamestown	210 308	211 308	227 308	307	251	308	251,282,290
143								
144								
145								
146								
147	To provide when courts are open for all purposes	794	806	806	823		839	
148	To amend section 22, chapter 24, Political Code	324	327	341	396		402	
149	Provide mode for calling in public bonds, etc	848	828	828			950	
150	To amend sections 2, 3, 4, 5, 8 and 9, chapter 34, Laws of 1885	499	525	542	627 729 745		750	
151								
152	To amend chapter 34, game laws of Sixteenth Legislative Assembly	848	829	829	860		895	
153								

Council Bills in the House—*Continued.*

Number.	TITLE.	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
154	Relating to personal identity of married women, etc	326	340	....	....	....	340	332
155	Relating to inmates of insane asylums, etc	296	304	309	....	....	309	....
156	Relating to duties of teachers in public schools	288	292	305	412	....	617	....
157	To amend subdivision 7, section 320, chapter 26, Penal Code	812	827	827	....	....	948	....
158	Relating to publishing the General Laws of the Seventeenth Legislative Assembly, etc	850	881	881	....	....	....	....
159		....	....	....	....	....	....	....
160	Providing mode of appeals to Supreme Court of Dakota Territory	794	806	806	....	....	947	....
161		....	....	....	....	....	....	....
162		....	....	....	....	....	....	....
163	To amend chapter 44, Session Laws of 1883	631	807	807	....	....	668 884	252,741,808
164	To protect large game and quail, etc	360	364	391	509	....	532	....
165	Memorial relating to school lands, etc	361	364	391	574	....	583	....
166		....	....	....	....	....	....	....
167	To amend sections 271 and 277, Code Civil Procedure	848	829	829	....	....	949	....
168	Relating to board of Railroad and Warehouse Commissioners, etc	795	807	807	....	....	935	965
169	To provide for registration of voters	777	807	807	908	....	....	964
170	Relating to independent school district No. 1, Richland county. etc	793	806	806	809	....	903	....
171		....	....	....	....	....	....	....
172		....	....	....	....	....	....	....
173	Relating to Second Judicial District	361	364	392	433	....	440	440
174	Reimburse and pay Geo. Lilly for moneys advanced, etc	688	711	711	778	....	803	....
175		....	....	....	....	....	....	....
176	Reimburse and pay G. W. Hopp for moneys advanced	688	711	711	831	....	900	....
177		....	....	....	....	....	....	....
178	To amend section 409, Civil Code	499	524	542	729	....	753	795
179		....	....	....	....	....	....	....
180	To amend chapter 656, code Civil Procedure	848	829	829	....	....	954	....
181		....	....	....	....	....	....	....
182		....	....	....	....	....	....	....
183	Providing for appeals of county boards of equalization.	704	807	807	825	....	888	....
184	Relating to the construction of bridges over navigable rivers	499	525	542	575 729 744	....	583 752	....
185		....	....	....	....	....	....	....
186		....	....	....	....	....	....	....
187	To amend section 1, chapter 60, General Laws Sixteenth Legislative Assembly	848	829	829	....	....	940	....
188	Relating to premiums on bonds of public institutions	387	391	400	411 574	....	441	....
189	Making operative in certain counties, sections 1098 and 1100, Civil Code	691	696	696	728	....	753	....
190		....	....	....	....	....	....	....
191	To amend chapter 78, General Laws Sixteenth Legislative Assembly	812	827	827	885	....	886	886 888
192	To amend chapter 26, Political Code	629	636	636	....	....	....	....
193	For appointment of committees for insane asylums, etc.	360	....	....	....	....	....	....
194	Appropriating funds for the Springfield Normal school	629	636	636	677	....	837	....
195	Reimburse legislative officers, etc	403	429	429	677	....	875	429
196		....	....	....	....	....	....	....
197	To amend section 26, chapter 39, Political Code	794	806	806	....	....	....	....
198	Authorizing incorporation of banking associations, etc.	580	582	582	730	....	905	905
199	Defining duties of registers of deeds, etc	691	698	698	....	....	....	....
200		....	....	....	....	....	....	....
201		....	....	....	....	....	....	....
202		....	....	....	....	....	....	....
203		..	....	....	....	....	....	....
204	Relating to division of the Territory and admission of each half into the Union	812	826	826	860	....	876	....
205		....	....	....	....	....	....	....
206		....	....	....	....	....	....	....
207	To amend section 378, chapter 15, Code of Civil Procedure	794	805	805	824	....	890	890

Council Bills in the House—*Continued.*

Number.	TITLE	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
208	To amend section 407, article 3, chapter 3, Civil Code	851	881	881	....	....	....	....
209	Relating to the Dakota Reform School at Plankinton, Dakota	581	582	582	601	....	603	....
210	....	....	....	....	....	....	....	....
211	Relating to committee appointed to visit and inspect insane asylums, etc	403	429	429	660 764	....	668 883	... 429, 684
212	To legalize foreclosure proceedings in certain cases	665	666	666	....	....	....	....
213	Respecting the expenditure of road and bridge funds	482	498	525	600	....	877	....
214	....	....	....	....	....	....	....	....
215	To amend section 49, sub-chapter 1, chapter 112, General Laws of 1883	499	525	542	571	....	584	....
216	To amend section 6, chapter 61 of Session Laws of 1881	691	698	698	729	....	754	....
217	To amend section 1, chapter 134, Session Laws of 1885	691	698	698	727	....	767	....
218	To authorize railway companies to appoint police officers	673	697	697	729	....	751	....
219	To amend chapter 81, General Laws of 1885	691	698	698	....	....	737	....
220	....	....	....	....	....	....	....	....
221	....	...	....	....	....	....	....	....
222	To provide for extending or restricting the limits of incorporated cities, etc	629	636	636	772	....	802	....
223	To amend section 39, chapter 23, establishing Dakota Hospital for Insane, etc	907	936	936	....	....	944	....
224	Relating to the School of Mines, of Rapid City, Dakota, etc	607	636	636	676	....	700	....
225	....	....	....	....	....	....	....	....
226	To amend subdivision 3, section 412, Civil Code	691	696	696	855	....	891	....
227	Relating to a claim for public printing in 1872-3, etc	739	747	747	825	....	855	....
228	Providing a remedy by garnishment in district courts	812	830	830	....	....	961	....
229	Relating to the School for Deaf Mutes, at Sioux Falls	665	666 775	666 775	677	....	699 775	699,775,795
230	Making appropriations for the maintenance of School of Deaf Mutes, etc	689	710	710	744	....	766	....
231	Regarding cities having exclusive control of liquor traffic, etc	796	807	807	900	....	930	....
232	....	....	....	....	....	....	....	....
233	....	....	....	....	....	....	....	....
234	....	....	....	....	....	....	....	....
235	Making appropriation for the North Dakota Hospital for Insane	692	698	698	744	....	765	....
236	Refunding any indebtedness created prior to July 30, 1886	688	710	710	727 833	....	837	810
237	To provide for redistricting counties into commissioner districts	608	636	636	681	....	....	....
238	Extra compensation to justices of the Supreme Court to defray traveling expenses	740	772	772	797	....	797	....
239	....	....	....	....	....	....	....	....
240	Relating to insurance companies, etc	691	696	696	....	....	....	....
241	Relating to claims of C. J. Cummings and M. Ware, etc.	740	....	....	825	....	854	....
242	To amend section 1, chapter 53, Session Laws of 1885	907	936	936	....	....	945	....
243	Making appropriation for the Dakota Hospital for Insane	692	697	697	744	....	750	....
244	....	....	....	....	....	....	....	....
245	To amend section 2042, title 3, part 2, Civil Code	887	899	899	....	....	941	....
246	To amend section 37, chapter 1, Justices Code of Dakota	847	827	827	....	....	959	....
247	Compensation for chief clerk of Tenth and Eleventh Legislative Assembly	740	....	....	901	....	926	....
248	....	....	....	....	....	....	....	....
249	Defining the boundaries of Cavalier county, etc	629	635	635	732	....	755	....
250	....	....	....	....	....	....	....	....
251	Relating to encampment, etc., held at Fargo, September, 1885	665	666	666	778	....	801	....
252	....	....	....	....	....	....	....	....
253	Refunding outstanding indebtedness of counties, towns, etc	691	698	698	782	....	797	....
254	For the relief of Isaac Montague	793	805	805	....	....	....	....
255	For the relief of Victor Montague	793	806	806	....	....	714	....
256	To provide funds for maintenance of School of Mines	739	746	746	778	....	800	....
257	Providing for the distribution of the Dakota Supreme Court reports	629	635	635	653	....	668	....

Council Bills in the House—*Continued.*

Number.	TITLE	Received.	First reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
258								
259	Providing manner of assessing stocks and shares of banks, etc	847	828	828	909		929	
260	Relating to the insurance of public buildings in Territory of Dakota, etc	847	828	828			954	
261								
262	Memorial to Congress for division of Bismarck land district	812	827	827	860		892	
263	To amend chapter 75, General Laws 1883	691	697	697	727		766	
264	Providing for township organization	794 969	806 969	806 969			969	
265								
266	To amend section 5, chapter 52, General Laws 1879	692	698	698	729		754	
267	To provide office county clerk for Yankton county and define his duties, etc	553	582	582	732		757	
268	Relief of Joanna Milton, etc	848	828	828			874	
269	To amend section 104, Code Civil Procedure	887	898	898			946	
270								
271								
272								
273								
274								
275	For the government of the Agricultural College, etc	687	711	711	733		756	
276								
277	Relating to the Dakota Agricultural College, etc	739	747	747	778		798	
278	Relating to physicians and surgeons giving expert testimony in any court	907	936	936			942	
279	To amend sections 197, 199 and 218, Code of Civil Procedure	847	827	827			959	
280	To amend chapter 7, Session Laws 1885	847	827	827			938	
281	To amend section 61, chapter 28, Political Code	850	881	881			896	895
282								
283	To amend section 407, Civil Code	850	881	881				
284	Relating to loan companies, building and loan associations, etc	921	936	936			937	
285	Relating to school elections in independent school districts, etc	850	881	881	908			964
286	Relating to irrigation ditches, etc	907	936	936			944	
287								
288								
289								
290								
291								
292	To amend section 643, Penal Code	847	828	828			937	
293	To pay C. H. Wagner for lamps, etc., in Capitol building	849	881	881	901		920	
294	For the maintenance of the public offices of the Territory of Dakota	740	748	748	779		799	
295	To provide funds for making permanent improvements at Bismarck Penitentiary	739	747	747	779		804	775, 777
296	Making appropriation for Territorial Penitentiary at Bismarck, etc	739	747	747	779		801	
297								
298	Providing for the dissolution of civil township organizations	850	882	882				
299								
300	Relating to duties of Registers of Deeds, etc	887	899	899			927 940	
301								
302								
303	Making appropriation for Territorial Penitentiary at Sioux Falls, etc	739	747	747				
304	Authorize issuance of license to carry on public laundries, etc	777	806	806	909			
365	Prescribing a form for the acknowledgement of deeds and other instruments	850					949	
306	Relating to insurance corporations	971						
307	To provide for struck juries	850	882	882			951	
308								

Council Bills in the House—*Continued.*

Number.	TITLE.	Received.	Frst reading.	2d Reading and reference.	Reported back.	Miscellaneous.	3d Reading and passage.	Miscellaneous.
309	Relating to county mutual insurance companies, etc	692	697	697	778		799	
310	To amend section 13, chapter 19, Political Code	850	881	881			946	
311								
312								
313	To amend chapter 26, Special Laws 1883, and chapter 56, laws 1881	689	711	711	727		765	
314								
315	Authorizing boards of county commissioners to transfer unexpended balances, etc	847	828	828	909		926	
316	Appropriation for expenses of railroad commissioners	971	977	977			977	
317	To pay deficit due Territorial Militia for armory rent	777	807	807				
318	Providing payment for newspapers furnished members Seventeenth Assembly, etc	870	880	880	901		925	
319	Providing for the purchase of stationery, etc	794	807	807				
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329	Appropriation for Dakota Reform School at Plankinton, Dakota	870 870	880 880	880 880	901		911	
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LAWS—1887.

2 AN ACT to regulate grain warehouses and the inspection, weighing and handling of grain, and defining the duties of the Railroad and Warehouse Commission in relation thereto.

7 AN ACT to create the office of Public Examiner, defining the duties and dividing the Territory into two examiner's districts.

20 AN ACT to regulate the practice of pharmacy, the licensing of persons to carry on such practice and the sale of poisons in the Territory of Dakota.

21 AN ACT to legalize the acts of Henry Krogh as a notary public of the Territory of Dakota.

24 AN ACT to amend section 3 of chapter 94 of the General Laws passed in the year 1883.

25 AN ACT to attach the counties of Stanley, Sterling and Nowlin to the county of Hughes for judicial purposes.

27 AN ACT amending section 610 of the Code of Civil Procedure.

28 AN ACT to appropriate for the support of fire departments of each city, town or village in the Territory of Dakota, a part of the tax paid by the fire insurance companies upon premiums received in any such town, city or village.

33 AN ACT providing for the appointment of certain subordinate officers of the Territorial Council and House of Representatives and for the compensation and payment thereof.

37 AN ACT to amend section 615 of chapter 28 of the Code of Civil Procedure.

40 AN ACT to provide for the registration and payment of warrants drawn by the secretary and president of boards of education in this Territory, and to prescribe the rate of interest thereon.

41 AN ACT to amend section 384 of chapter 3 of the Civil Code.

46 AN ACT to provide for the issuing of duplicates of bonds or coupons lost or destroyed.

47 AN ACT making it the duty of county treasurers to certify to abstract of title to real estate with reference to taxes affecting property set forth in abstract.

50 AN ACT to amend section 677 of the Code of Civil Procedure.

51 AN ACT to amend section 1 of chapter 117 of the laws passed at the Sixteenth Session of the Legislative Assembly; approved March 13, 1885.

52 AN ACT concerning the burial of soldiers, sailors or marines who served in the union army during the war of the rebellion.

53 AN ACT to provide fuel for the Capitol.

67 AN ACT authorizing cities to refund outstanding bonded indebtdness.

69 AN ACT to amend section 203 of the Code of Civil Procedure, relating to the filing of papers in proceedings by attachment.

74 AN ACT creating the office of county auditor and defining the duties thereof.

75 AN ACT to amend chapter 23 of the Special and Private Laws of 1881, entitled "An act authorizing the board of county commissioners of Pembina county to fund the outstanding indebtness thereof."

76 AN ACT to amend sections 266 and 268 of chapter 12 of the Code of Civil Procedure, relating to trials and judgments in civil actions.

81 AN ACT to amend an act entitled "An act to provide for the organization of civil townships and the government of the same.".

91 AN ACT to amend sections 1, 2, 3, 4 and 9 of chapter 72 of the laws passed by the Fifteenth Legislative Assembly of the Territory of Dakota, relating to the selection of jurors.

95 AN ACT to extend the term of office of county auditors elected at the annual election of 1885.

96 AN ACT to legalize the acts of Max Hoehn as notary public of the Territory of Dakota.

99 AN ACT to provide for the collection of city taxes in incorporated cities of the Territory of Dakota.

105 AN ACT to amend section 74 of sub-chapter No. 1 of chapter 112 of the General Laws of 1883, entitled "township government."

107 AN ACT to remove the disabilities of Heinrich Muchow and restore him to citizenship.

112 AN ACT to provide for the issuance of bonds by cities and municipal corporations in the Territory of Dakota for school and other purposes.

113 AN ACT to submit to the legal voters of the Territory of Dakota the question of the division of the Territory.

119 AN ACT creating liens on the crops of persons buying seed on credit and providing the manner of filing and forclosing the same.

121 AN ACT to provide for the incorporation of cities.

124 AN ACT to lessen the dangers from stampedes in case of fires in buildings used for public assemblages.

125 AN ACT providing for certain legal printing and fixing the compensation therefor.

126 AN ACT legalizing certain acts of the board of education of the city of Huron, Beadle county, Dakota Territory, and authorizing said board of education to issue bonds to take up outstanding warrants issued by it, and for other purposes.

128 AN ACT to amend the name of the religious corporation incoporated under the title of the Moravian society of township 139, north of range 52 west, Cass county, Dakota Territory.

130 AN ACT to fix the compensation of sheriffs in certain cases.

134 AN ACT to provide for the printing, publishing and other current and necessary expenses of the office of Commission of Immigration.

136 AN ACT to amend article 8 and article 9 of chapter 12 of the Code of Civil Procedure, relating to bills of exceptions and new trials.

137 AN ACT to amend chapter 70 of the Session Laws of 1885, relating to county mutual insurance companies.

148 AN ACT to amend section 22 of chapter 24 of the Political Code, entitled, "Incorporation of Towns and Cities."

149 AN ACT providing for the mode of calling in public bonds for payment, and fixing the time when interest thereon shall cease.

150 AN ACT to amend sections 2, 3, 4, 5, 8, 9 and 19 of chapter 34 of the laws of 1885, entitled "an act to provide for the incorporation and regulation of building and loan associations."

154 AN ACT to declare and protect the legal and personal identity of maried women.

155 AN ACT to place the inmates of insane ayslums under the protection of the laws by securing to them their postal rights.

156 AN ACT to require teachers of public schools to keep a records of the visits of county superintendants.

160 AN ACT providing the method of appeals to the Supreme Court of the Territory of Dakota.

163 AN ACT to amend chapter 44, of the Session Laws of 1883, relating to education.

164 AN ACT to protect large game and quail in Dakota, Territory.

173 AN ACT creating and defining a subdivision of the Second Judicial District.

174 AN ACT to reimburse and pay George Lilly for money advanced by him to pay for finishing and completing portions of public buildings.

176 AN ACT to reimburse Geo. W. Hopp for moneys advanced by him to pay for plans and specifications of public buildings.

184 AN ACT permitting the construction of bridges over navigable rivers and providing the manner of paying for the same.

187 AN ACT amending section 1 of chapter 60 of the General Laws of the Sixteenth Legislative Assembly.

189 AN ACT reviving and making operative within the counties of Lawrence, Pennington, Custer, Fall River and Butte, the provisions of sections (1098) ten hundred and ninety-eight and (1100) eleven hundred of the Civil Code, entitled "Loan of Money."

209 AN ACT to provide funds for the construction and furnishing of necessary buildings for the Dakota Reform School at Plankinton, Dakota, and for other purposes.

213 AN ACT respecting the expenditure of road funds.

215 AN ACT to amend section 49 of sub-chapter 1 of chapter 112 of the General Laws of 1883, entitled "an act to provide for the organization of civil townships and the government of the same."

217 AN ACT to amend section one of chapter 134 of the Session Laws of 1885, entitled "liability for damages occasioned by vicious dogs."

218 AN ACT to authorize railway companies to appoint police officers.

219 AN ACT to define the Sixth Judicial District of the Territory of Dakota, to subdivide the same, to fix the terms of court therein, and for other purposes, in pursuance of the act of Congress dividing said territory into six judicial districts.

222 AN ACT to provide for extending or restricting the limits of incorporated cities and towns.

223 AN ACT to amend section 39 of chapter 23 of an act entitled "an act to establish the Dakota Hospital for the Insane, providing for the government of the same, and for the care of the insane, and for the organization of a board of insanity in each organized county of this Territory," of the Session Laws of 1879.

224 AN ACT to provide funds for the construction and furnishing of a metallurgical labratory for the School of Mines at Rapid City, Dakota, and for other purposes.

226 AN ACT to amend subdivision 3 of section 412 of the Civil Code of the Territory of Dakota, relating to meetings of directors of corporations.

227 AN ACT to appropriate for the payment of a claim against the Territory of Dakota for the printing of the bills, joint resolutions and memorials for the Legislative Assembly of 1872-3, entitled "a joint resolution providing for, and the election of, a public printer for the Legislative Assembly and the Territory of Dakota."

229 AN ACT to provide funds and appropriate the same for the purpose of building a shop and barn and purchasing land for the School of Deaf Mutes at Sioux Falls, and for other purposes.

230 AN ACT apropriating money for the support and maintenance of the School of Deaf Mutes at Sioux Falls, for the ensuing two years.

235 AN ACT making appropriation for the maintenance of the North Dakota Hospital for the Insane near Jamestown, Dakota.

236 AN ACT to provide for refunding the outstanding indebtedness which existed prior to July 30, 1886, of any incorporated board of education or school district in the Territory of Dakota.

238 AN ACT to provide an allowance to the Justices of the Supreme Court of the Territory of Dakota, to defray their traveling expenses, etc.

241 AN ACT to appropriate funds to pay and reimburse C. J. Cummings and M. Ware for services as examiners of undergraduates applying for licenses to practice medicine in the Territory of Dakota.

242 AN ACT to amend section 1 of chapter 53 of the Session laws of 1885, entitled "an act to amend section 3 of chapter 27 of the Political Code."

243 AN ACT making an appropriation for maintaining the Dakota Hospital for the Insane for the years 1887 and 1888.

245 AN ACT to amend section 2042 of title 3 of part 2 of the Civil Code.

249 AN ACT defining the boundaries of Cavalier county and for other purposes.

251 AN ACT to appropriate funds to pay expenses incurred by Territorial Militia at Territorial encampment held at Fargo, Dakota, in September, 1885.

256 AN ACT to provide funds for the maintenance of the School of Mines at Rapid City, Dakota, for the ensuing two years.

257 AN ACT providing for the distribution of the Dakota Supreme Court Reports.

259 AN ACT providing the manner for assessing the stocks and shares of banks and bank associations and collecting tax from the same.

260 AN ACT relating to the insurance of public buildings in the Territory of Dakota.

263 AN ACT to amend chapter 75 of the General Laws of 1883, in regard to drainage, as amended by chapter 47 of the General Laws of 1885.

266 AN ACT to amend section 5 of chapter 52 of the Session Laws of 1879, entitled "an act authorizing the appointment of shorthand reporters for the District Courts of the Territory."

267 AN ACT to amend an act entitled "an act to provide for the appointment of a County Clerk for Yankton County and to define his duties," approved March 9, 1883.

268 AN ACT to appropriate $450 for the relief of Joanna Melton for monies expended and services rendered at the New Orleans Exposition.

275 AN ACT to provide for the government of the Agricultural College and experimental station for the Territory of Dakota.

277 AN ACT to appropriate funds for the maintenance of the Dakota Agricultural College for the current years of 1887 and 1888, and for other purposes.

280 AN ACT to amend chapter 7 of the Session Laws of 1885, entitled "Appeals in civil actions."

284 AN ACT to ratify acts of loan companies and building and loan associations heretofore incorporated under the laws of this territory and to provide for their further existence without reincorporation.

286 AN ACT relating to irrigating ditches.

293 AN ACT to appropriate funds to pay C. H. Wagner for lamps and chandeliers placed in the Capitol building.

294 AN ACT for maintenance of the public officers of the Territory.

296 AN ACT making appropriation for the current and contingent expenses of the Territorial Penitentiary at Bismarck.

300 AN ACT compelling registers of deeds to keep grantor and grantee indexes to conveyances and other instruments of record on file in his office affecting real estate.

304 AN ACT authorizing the issuance of license for carrying on the business of public laundries.

305 AN ACT prescribing a form for the acknowledgement of deeds and other instruments and to legalize acknowledgements heretofore made by deputy sheriffs.

313 AN ACT to amend chapter 26 of the Special Laws of 1883, establishing School for Deaf Mutes and providing for the government and maintenance of the same, and repealing part of chapter 56 of Session Laws of 1881.

315 AN ACT authorizing boards of county commissioners to transfer unexpended balances of special funds in certain cases.

316 AN ACT making appropriation for expenses of railroad commissioners for the two years ending April 1, 1889.

318 AN ACT providing for the payment for newspapers furnished to members of the Seventeenth Legislative Assembly of the Territory of Dakota.

321 AN ACT for the refunding of the outstanding bonded indebtdness of the Territory issued in 1881, bearing 6 per cent., for the constructing of the Insane Hospital at Yankton and the Penitentiary at Sioux Falls, and the 5 per cent, bonds issued for the construction of the west wing of the Insane Hospital at Yaknton.

322 AN ACT to amend sections 1, 2 and 4, chapter 25 of the Special Laws passed at the Fifteenth Session of the Legislative Assembly of the Territory of Dakota, approved March 9, 1883, entitled "an act to locate and establish a Reform School for Juvenile Offenders, at or near the villiage of Plankinton, in Aurora county, Dakota Territory."

323 AN ACT to amend section 92 of the Code of Civil Procedure.

325 AN ACT to amend chapter 103 of the Session Laws of 1883, relating to Territorial Treasurer, entitled "an act to amend section 3 of chapter 39 of the Political Code, and section 1 of chapter 133 of the Session Laws of Dakota Territory of 1881."

326 AN ACT to amend section one of chapter 48 of the Special Laws of 1885, entitled "an act to provide for payment of clerical work in the Executive office."

327 AN ACT to amend section 1 of an act entitled "an act to create the office of Public Examiner, defining the duties and dividing the Territory into two examiners districts," of the Session Laws of 1887, approved March 9, 1887.

329 AN ACT appropriating funds for the maintenance of the Dakota Reform School at Plankinton, Dak.

330 AN ACT to amend section 31 of the Code of Civil Proced ure.

333 AN ACT to appropriate funds to reimburse the Territorial Militia for armory rent and other purposes.

334 AN ACT to provide funds for making permanent and necessary improvements at the Dakota Penitentiary at Bismarck.

JOINT RESOLUTIONS AND MEMORIALS.

5 Joint Resolution providing for certain public printing and making appropriation for the same.

12 Joint Resolution praying for the passage of what is known as the Dawes Bill.

32 Joint Resolution providing for the publication of five hundred copies of an act of Congress of the United States entitled "an act to prohibit the passage of local or special laws in the territories of the United States, to limit territorial indebtedness, and for other purposes."

90 Joint Resolution providing for the printing of bills and other documents ordered printed by the Seventeenth Legislative Assembly, and making appropriations for the same.

97 Joint Resolution authorizing the appointment of a committee to confer with the authorities of Montana in relation to measures for the prevention and suppression of contagious diseases among live stock.

120 Joint Resolution providing for compensation of the enrolling and engrossing clerks and the clerks of the Committee on Judiciary.

138 Joint Resolution to provide for the purchase of Session Laws.

165 Joint Resolution and Memorial to Congress asking for imediate steps to be taken for the selection of the public school lands allotted and designated as sections 16 and 36 in the several townships in this Territory.

195 Joint Resolution to reimburse legislative officers for expenses incurred in the organization of the Legislative Assembly.

204 Joint Resolution relative to a division of the Territory and the admission of each half into the union.

262 Joint Resolution and Memorial to Congress for the division of the Bismarck land district in the Territory of Dakota.

ORIGINATING IN THE HOUSE.

7 AN ACT to amend sections 29 and 31 of subchapter 2 of chapter 112 of the Session Laws of 1883.

13 AN ACT to divide the fifth subdivision of the Sixth Judicial District into two subdivisions, and to provide for terms of court therein.

15 AN ACT to amend an act entitled "an act defining the boundaries of the Fourth Judicial District and fixing the time of holding court therein."

22 AN ACT to repeal section 5 of an act entitled an act to authorize the county commissioners of Nelson county to fund the outstanding indebtedness thereof; approved March 13, 1885.

26 AN ACT to amend section 1, chapter 26, General Laws of 1879.

29 AN ACT to amend sections 37 and 43 of chapter 28 of the Political Code.

31 AN ACT to repeal chapter 31 of the General Laws of 1881.

41 AN ACT to amend sections 15 and 16 of chapter 122 of the laws of 1881, entitled "an act for the registry of electors and to prevent fraudulent voting.

48 AN ACT to prohibit the sale of intoxicating liquors by local option.

55 AN ACT authorizing and empowering the organized counties of Dakota to issue and dispose of bonds to provide funds to pay outstanding indebtedness, and to provide for the payment of the interest and principal and interest thereof.

56 AN ACT to amend sections 46 and 66 of chapter 44 of the General Laws of 1883.

60 AN ACT to provide for the assessment and taxation of the property of telegraph companies in the Territory of Dakota.

66 AN ACT to amend and re-enact section 2042 of the Civil Code of Dakota.

68 AN ACT for prevention of the wearing of G. A. R. badge when not entitled thereto.

74 AN ACT to amend subdivision one of section 320 of chapter 26 of the Penal Code.

78 AN ACT to establish and define the boundaries of Morton county.

86 AN ACT to define the boundaries of the counties of Billings, Stark, and Lawrence.

88 AN ACT providing for the extension of the time for the payment of taxes of 1886.

94 AN ACT to repeal section 427 of chapter 37 of the Penal Code.

104 AN ACT to cancel certain county warrants.

108 AN ACT relating to the office of notaries public.

112 AN ACT to regulate the cancellation and forfeiture of insurance policies.

118 AN ACT to secure in the Territory of Dakota to honorably discharged soldiers and sailors who served in the army and navy of the United States during the late war the rights and privileges guaranteed to them by sections 1754 and 1755 of the revised statutes of the United States, also section 3, chapter 287, laws of 1876.

128 AN ACT to repeal an act entitled "an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness;" approved March 12, 1885.

136 AN ACT in relation to the rendition of fugitives from justice.

141 AN ACT to provide for the extension of the Spearfish Normal School and for other purposes.

142 AN ACT to provide for the location of alleys in cities, and incorporated towns, and villages.

145 AN ACT to create a board of trustees of public property, to provide for the appointment of a commission to appraise and sell real property of the Territory, to pay outstanding warrants and to discharge the commission created by chapter 104 of the General Laws of 1883.

146 AN ACT to provide funds for the construction and furnishing of a dormitory for the University of North Dakota at Grand Forks, Dakota, and for other purposes.

150 AN ACT to amend an act entitled "an act to create a Territorial Department of Agriculture, and relating to agricultural societies and agricultural fairs, and providing for reports of the same."

159 AN ACT creating the counties of Pierce and Church and defining the boundaries of the counties of Bottineau, Rolette, McHenry and Sheridan, and for other purposes.

160 AN ACT to amend section three of chapter twenty-six of the General Laws of 1879, relating to the sale of intoxicating liquors.

165 AN ACT to make an appropriation for the payment of armory rent of the regimental bands of the Dakota National Guard.

171 AN ACT legalizing a certain election held in the city of Sioux Falls, and for other purposes.

172 AN ACT to define the boundaries of Ward and Renville counties.

173 AN ACT to prohibit the destruction of beavers in the Territory of Dakota.

178 AN ACT to amend section 665 of the Code of Civil Procedure.

182 AN ACT to amend chapter 61 of the Session Laws of 1881, relating to marks and brands.

183 AN ACT making appropriations for the maintenance of the Territorial Penitentiary at Sioux Falls, Dakota, for the ensuing two years.

186 AN ACT in relation to the vacation of town plats.

187 AN ACT to amend section 112 of the Justices' Code of the Territory of Dakota.

197 AN ACT to provide funds for the purchase of an experimental farm and the construction of dormitory, shops, labratory and farm buildings for the Agricultural College of Dakota at Brookings, and for other purposes.

201 AN ACT for the establishment of free libraries and reading rooms in cities, villages or townships in the Territory of Dakota.

211 AN ACT legalizing a certain election held in the city of Spearfish, in the Territory of Dakota.

215 AN ACT regulating the procurement of chattel mortgages in connection with applications for insurance, and providing a penalty for violation thereof.

216 AN ACT providing funds for the construction of a dormitory and wing of main building of the University of Dakota, and for other purposes.

224 AN ACT to amend subdivisions one (1) and two (2) of section five (5), chapter 84 of the General Laws of 1881.

225 AN ACT to provide for meetings of the township boards of supervisors, and defining the duties of the same.

226 AN ACT to amend section two (2) of chapter twenty-six (26) of the Political Code, entitled "Town and city plats."

227 AN ACT to amend section 70 of chapter 28 of the Political Code, entitled "Revenue."

239 AN ACT to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon.

241 AN ACT to provide funds to pay for the construction, heating and furnishing of the Normal school building at Madison, Dakota, and for other purposes.

245 AN ACT to enable cities and municipal corporations to purchase, erect, lease, manage and maintain systems or parts of systems of water works, telegraphic fire signals and fire apparatus.

248 AN ACT for the protection of game.

252 AN ACT to provide for the issuing of bonds for additional buildings and improvements for the North Dakota Hospital for the Insane near Jamestown and to appropriate money therefor.

253 AN ACT to punish false pretenses in obtaining registration of cattle and other animals and to punish giving false pedigrees.

254 AN ACT to provide for the compilation, publication and distribution of the laws of the Territory of Dakota.

255 AN ACT to enable towns and cities to change the name, number and boundary of wards.

257 AN ACT to provide for the issuing of bonds and for additional buildings and improvements for the Dakota Hospital for the Insane near Yankton, Dakota, and to appropriate money therefor.

270 AN ACT to appropriate funds for certain purposes.

274 AN ACT to provide funds for the maintenance of the University of Dakota at Vermillion.

276 AN ACT to authorize cities, towns and villages to levy and collect taxes for municipal purposes.

277 AN ACT to amend section forty-five (45) of chapter twenty-one (21) of the Political Code, relating to the manner of letting contracts by county boards.

278 AN ACT legalizing the acts of A. L. Bain as notary public of the Territory of Dakota.

281 AN ACT to legalize the acts of Allen M. Chaney as notary public of the Territory of Dakota.

284 AN ACT making appropriations for the current and contingent expenses of the Normal School at Spearfish, in the Territory of Dakota.

288 AN ACT appropriating funds for the maintenance of the University of North Dakota at Grand Forks, D. T.

295 AN ACT to amend an act entitled "an act to amend chapter 30 of the Political Code, relating to the Territorial Militia."

299 AN ACT authorizing municipal corporations to lay out, open, improve and vacate streets and alleys, and for other purposes.

300 AN ACT to provide for the construction and maintenance of artesian wells and the assessment and collection of taxes therefor.

301 AN ACT to suppress and prevent the spread of contagious and infectious diseases among domestic animals.

302 AN ACT to prevent the spread of contagious diseases among sheep.

304 AN ACT authorizing the Territorial Treasurer to purchase and deposit in the office of the Territorial Treasurer a time-lock safe for the use of such office.

305 AN ACT regulating the salaries of registers of deeds and county treasurers.

323 AN ACT appropriating funds for the maintenance of the Normal School at Madison, Dakota, for the ensuing two years, and for other purposes.

327 AN ACT to provide funds for the furnishing, equipment and improving the grounds of the University of Dakota at Vermillion, and for other purposes.

335 AN ACT making an appropriation to pay deficiency in expense account at railroad commissioners and for railroad maps.

336 AN ACT to provide funds for permanent and necessary improvements at the Dakota Penitentiary at Sioux Falls, Dakota.

343 AN ACT to amend section 1 of chapter 106 of the General Laws of 1881.

349 AN ACT to amend chapter 63 of the Session Laws of 1885, entitled, "An act establishing territorial and county boards of health, and providing for the protection of the health of persons and animals, and for other purposes."

353 AN ACT to amend an act entitled "An act to provide for the re-location of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," which become a law March 11, 1887.

JOINT RESOLUTIONS AND MEMORIALS.

5 Joint Resolution for the purchase of seventy-two copies of the second edition of Levisee's Code for the use of the members of the Seventeeh Legislative Assembly.

50 Joint Resolution protesting against the removal of Fort Abraham Lincoln.

62 Joint Resolution praying for the speedy passage of a law providing for the opening of the Devils Lake Indian Reservation.

72 Joint Resolution to prohibit the sale or licensing of the sale of intoxicating liquors in any building used or occupied by the territorial officers or the Legislative Assembly of the Territory of Dakota.

117 Joint Resolution providing for the printing of Long's Legislative Hand Book.

157 Joint Resolution to pay for chairs for use of the ladies visiting the Capitol.

164 Joint Resolution and Memorial to the Congress of the United States of America for the improvement of the Big Sioux river.

179 Joint Resolution providing for the payment of John P. Hoagland for repairing the hall of the House of Representatives.

193 Joint Resolution for the appointment of certain committees to visit the insane asylums and penal institutions of Dakota.

269 Joint Resolution for appointment of a joint committee on apportionment.

273 Joint Resolution and Memorial to Congress praying for the construction of a dam for the improvement of navigation on the Red river.

337 Joint Resolution making an appropriation to pay for the printing of the biennial reports of Territorial officers and institutions for the fiscal years of 1885 and 1886.

345 Joint Resolution to provide for the payment of Aaron Cheatem and John Ostlund for hack hire during call of house.

351 Joint Resolstion to provide for the payment of mileage of joint committees appointed to visit and inspect the territorial, charitable and penal institutions and Montana Delegation.

PASSED OVER THE EXECUTIVE VETO.

Council Bill. No. 9. An act entitled "an act amending chapter 40, of the Special Laws of the Fifteenth General Assembly."

House Bill. No. 42. An act authorizing the division of counties and for other purposes.